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VOLUME IV

HENRY A. SANDERS

ROMAN HISTORY AND MYTHOLOGY

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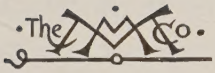

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ROMAN HISTORY AND MYTHOLOGY

EDITED BY
HENRY A. SANDERS
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PREFACE

In presenting in combined form these studies of former pupils, the editor wishes to make grateful acknowledgment to the contributors for their earnest and careful work, which has greatly lightened the labors of editing; and also to Professor Joseph H. Drake, whose advice was particularly helpful in the preparation of the first and third studies in the volume.

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HENRY A. SANDERS.

ANN ARBOR, MICHIGAN,
April 25, 1910.

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PRELIMINARY STUDY

AN ANALYSIS OF THE MODERN CRITICAL LITERATURE DEALING WITH THE SCRIPTORES HISTORIAE AUGUSTAE

The person who attempts to solve any one of the numerous problems presented by the collection of imperial biographies attributed to the Scriptores, finds himself involved in a maze of difficulties. One of the greatest of these difficulties lies not alone in the extent of the modern criticism dealing with the lives, but also in the variations in the standards of judgment which have given rise to this mass of highly technical literature. A survey reveals four periods of critical activity more or less distinctly marked. It is not the business of this outline to give a careful analysis[1] of each and every work dealing with the Scriptores, but rather to point out, as briefly and clearly as possible, the dominant idea of each period as it is reflected in the most important articles of the time.

This critical literature owes its existence to the confusions and contradictions inherent in the collection of lives. Reduced to outline, the problem is as follows: The lives of the emperors attributed to the Scriptores cover the period 117-284 A. D.[2] They purport to be the work of six

[1] Extended analyses of all important articles may be found in Peter's three Jahresberichte; 1865-1882, Philol., vol. 43 (1884), pp. 137-194; 1883-1892, Jahresb. Fort. class. Altert., vol. 76 (1893), pp. 119-161; 1893-1905, Jahresb. Fort. class. Altert., vol. 130 (1906), pp. 1-40. These will be cited as Bericht, 1865-1882, etc.

[2] The lives covering the period 244-260 are, in part, lost.

authors; viz., Aelius Spartianus, Julius Capitolinus, Vulcacius Gallicanus, Aelius Lampridius, Trebellius Pollio, and Flavius Vopiscus. Of these, the first four dedicate their work to Diocletian and Constantine, the others address theirs to private individuals. While this would seem to be a very simple classification, a close examination shows that it is full of pitfalls. No satisfactory answers can be found to the questions:

1) If, as certain references[1] in the lives seem to show, each of these six men wrote a more or less complete series of imperial biographies, how and by whom was the selection made?

2) Why is it that the lives, as they stand in the manuscripts, do not follow the chronological order of the emperors?[2]

3) How was it possible for one and the same author to write lives dedicated in part to Diocletian, in part to Constantine? This question is especially hard to answer when lives which deal with a period earlier than those addressed to Diocletian are dedicated to Constantine.[3]

4) From what sources did the authors draw their material?

5) How can the similarity between the various authors be explained?

6) How much can be inferred from allusions in the lives about the time when they were written?

[1] References of this kind are Helius 1, 1; 7, 5; Av. Cass. 3, 3; Marc. 19, 5; Comm. 1, 1; et al.

[2] Peter, Scriptores Historiae Augustae, editio altera, vol. 1, pp. iii and xi.

[3] According to the manuscripts, Capitolinus wrote the lives of Marcus (161-180 A. D.) and Macrinus (217-218 A. D.) for Diocletian. The life of Albinus (196-197 A. D.) is also attributed to him.

7) Are the lives ascribed to the right authors?

8) Are the imperial dedications authentic?

How these questions have been answered at different times will be shown in the following pages.

PERIOD I, 1838-1865: PRELIMINARY INVESTIGATION

Modern German criticism of the Scriptores began in 1838. Before this time, the collection of lives had aroused great interest among scholars, and men like Salmasius, Erasmus, Casaubon, and Dodwell had written [1] on different phases of the subject. Unfortunately, most of their work, together with much of that of the period under discussion is now of little or no importance. The early attempts to improve the text, which was known to be very corrupt, went astray since, inasmuch as there was no complete and careful collation of the manuscripts, these scholars fell into the pitfalls prepared by the work of Bonus Accursius, the first editor, and some of his immediate successors.[2] The results of their work were seen not only in the body of the lives, but also in the imperial dedications. A comparison of the editions of Obrecht [3] and Peter shows this clearly. Of the twenty-one lives in which dedications to the emperors appear, the two editors agree in regard to fifteen. In

[1] Some idea of the general trend of their work can be gained from references in the work of the writers of this period; cf. Bernhardy, Proem. I, p. vii; Richter, Rhein. Mus., vol. 7 (1850), pp. 16, 29, 33, and 42; Becker, Observat. crit., p. 3, et al.

[2] Peter, Hist. crit., p. 23; cf. p. 33 and Bernhardy, op. cit., p. vii. Accursius changed the text at will, cutting out or adding as he chose. Some fourteen years later, the two Venetian editions (1489 and 1490) followed his example. The first of these changed the order of the text and interpolated freely, the second attempted to correct the Latin.

[3] Historiae Augustae Scriptores sex cum notis Ulrici Obrechti, Strassburg, 1677.

four cases—in the biographies of Hadrian, Antoninus Pius, Commodus, and Didius Julianus—Obrecht inserts a dedication to Diocletian when there is nothing in the text to warrant it. In the case of Marcus Aurelius and of Avidius Cassius, he disregards the dedications to that emperor contained in the body of the lives. The explanation is to be found in the fact that the imperial dedications in use in 1677 had been inserted some by Accursius, others by Erasmus without reference to the manuscripts.[1] Since these dedications were often used to help determine the authorship of the lives and the time at which the different authors wrote, it is clear that a great part of the critical literature which appeared prior to 1865 may be dismissed with a brief notice.

Becker,[2] with whose work the modern critical literature begins, attempted to correct the views of some of the earlier critics about the relation of various manuscripts, and to assign the first twenty-one lives to their proper authors. His division was based upon conclusions about the sources used by the Scriptores and their method of using them, which he drew from the lives. The life of Avidius Cassius is given to Gallicanus because his name is mentioned in the manuscripts, the rest are divided between Spartianus and Capitolinus.[3]

Dirksen[4] proposed to ascertain the sources used by the Scriptores, and the method in which those writers used their material. From the results thus gained, he hoped to

[1] Peter, Historia critica, p. 7.

[2] Becker, Observationum in S. H. A. criticarum pars prior, Breslau, 1838. For brevity the Scriptores will be referred to in the notes as the S. H. A.

[3] Op. cit., p. 45. To Capitolinus, Becker assigns Albin., Macrin., Diad., Alex. Sev., Maxim., Gord., Max. et Balb.

[4] Dirksen, Die S. H. A. Andeutungen zur Texteskritik u. Auslegung derselben, Leipzig, 1842, p. 7.

get assistance in establishing the text. From references in the lives, and a comparison of different biographies dealing with the same period, he inferred that the Scriptores had several sources, some of which were used directly,[1] others indirectly. Their method of work was, he thought, to condense one source adding to it extracts from others. The results of this study were applied to the correction and interpretation of the text. In this part of the work, Dirksen took up a study of the speeches and messages assigned to the emperors and of the public documents of various kinds which are found in the Scriptores.[2] From the content of these, he hoped to prove[3] the value of many statements in the lives and to establish the text. The value of his work is still further lessened by the discovery that many of these documents were false.[4]

Bernhardy[5] attempted a criticism of the style of the Scriptores. The many traces of plebeian Latin he attributed partly to the social status of the authors of the lives, partly to the corruption of the text by the early editors. The influence of their work is shown by a collection of passages in the editions which are at variance with the manuscripts.

Krause's[6] discussion of the sources may be dismissed with a word, for he merely collected the statements found in the lives about the authors whose works the Scriptores claimed to have used. The reliability of such evidence is, to say the least, questionable.

[1] Op. cit., pp. 13 ff., and 22 ff.

[2] Op. cit., p. 61.

[3] Op. cit., p. 73.

[4] See the work of Czwalina and Peter, Die S. H. A.

[5] Bernhardy, Proemii de S. H. A. pars prima, 1845, pars altera, 1846, Halle. From a reference in Peter's Hist. crit., p. 16, it seems possible that these two articles were later united.

[6] Krause, De fontibus et auctoritate S. H. A. pars prima, 1857, pars altera, 1874, Neustettin.

The really important work of this period was done by Richter[1] and Peter. The former collected from the lives everything which seemed to indicate when they were written. His argument, in outline, is as follows: Vopiscus, the last of the Scriptores, received his incentive to write from a conversation with Julius Tiberianus, the city prefect.[2] This conversation must have occurred in 303 A. D., for Vopiscus would naturally comply with the request of Tiberianus at once. Further, it is clear that he wrote after 305 A. D., for he called Diocletian a private citizen,[3] and spoke of Constantius as emperor.[4] He also mentioned the baths of Diocletian,[5] which were not dedicated until later. On the other hand, he made no reference to Constantine or to any of his associates except Galerius.[6] From certain references in the latter part of his work, he seems to have written just before a civil war.[7] Pollio's work belonged to a little earlier period. Diocletian and Maximian were still on the throne when he wrote.[8] Since he referred to the Caesars,[9] Constantine and Galerius, who received their title in 292, he wrote after that date, but before 303 since Vopiscus cited him.[10] The work of Spartianus and Gallicanus was dedicated to Diocletian, hence they wrote during his reign. For a similar reason, Capitolinus and Lampridius must have written under Constan-

[1] Richter, Ueber die S. vi H. A., Rhein. Mus., vol. 7 (1850), pp. 16 ff.
[2] Aurel. 1, 1-2.
[3] Aurel. 43, 2.
[4] Aurel. 44, 5.
[5] Probus 2, 1.
[6] Carin. 18, 3.
[7] Probus 23, 2-5.
[8] Claud. 10, 7.
[9] Claud. 10, 7; cf. 13, 2.
[10] Aurel. 2, 1.

tine in spite of the fact that Vopiscus referred to them as preceding[1] him. This contradiction is due to some confusion. Up to this point, Richter's work is helpful because it presents the available evidence clearly.[2] In his attempt to determine the authorship of the lives, however, he fell into grave error by basing his argument upon an impossibility. The manuscripts of the Scriptores have suffered loss or transposition in several places. Some of these transpositions have been discovered,[3] others may well lie hidden. The method of assigning the lives to their authors

(Spartiani vita Hadriani,

Item eiusdem Helius Verus Caesar, etc.) offers an especially fruitful possibility of error. Whole lives may have been transposed[4] in such a way as to destroy all trace of their authorship. The difficulty, which Peter[5] pointed out, of assuming that an entire life was transposed in each case, evidently did not occur to him.

Peter's work[6] is of an entirely different nature. In the first chapter of his Historia critica he collected the evidence which threw light on the time when the lives were written. In order to escape the errors into which other critics had fallen, he based his work entirely upon evidence gained by a careful collation of the manuscripts. Since the style of the Scriptores had been influenced by that of the sources used, he left that entirely out of the question. As a result

[1] Probus 2, 7; cf. Peter, Hist. crit., p. 11.

[2] The work is, however, somewhat influenced by the author's conclusions about the writers of the different lives.

[3] Richter, op. cit., p. 25; cf. Dessau, Hermes, vol. 29 (1894), p. 401 ff.

[4] Richter, op. cit., p. 24.

[5] Peter, Hist. crit., p. 14.

[6] H. Peter, Historia critica S. H. A., Leipzig, 1860; Exercitationes criticae in S. H. A., Posen, 1863.

of his investigation, he reached these conclusions[1] about the authorship of the lives and the time when they were written:

292-305, Spartiani Hadrianus, Helius, Julianus, Severus, Niger.
Gallicani Cassius.
303-305, Pollionis Valeriani, Gallieni, Triginta Tyranni, Claudius.
305, Vopisci Aurelianus, Tacitus a little later.
312, Vopisci Probus.
315 or a little later, Vopisci Firmus, Saturninus, Proculus, Bonosus, Carus, Carinus, and Numerianus.
324 or a little later, Lampridi Commodus, Diadumenus, Heliogabalus, Alexander
Capitolini Albinus, Maximini, Gordiani, Maximus et Balbinus.
Spartiani Geta, Caracalla.

Because of the title Excerpta Spartiani de Principibus, the collection, as we have it, may be due to Spartianus.[2]

In the second chapter, Peter discussed the various manuscripts of the Scriptores, and the liberties which different editors had taken with the text. With a view to a more critical method of textual emendation, he showed that the archetype had pages of fifteen lines with sixty letters to a line,[3] and was written in two volumes,[4] the first ending with the life of Maximus and Balbinus.

The importance of this careful account of the relation between the manuscripts and the editions can not be overestimated. Less important, but helpful, was the author's

[1] Hist. crit., p. 13.
[2] Op. cit., p. 17.
[3] Op. cit., p. 26.
[4] Op. cit., p. 29

Exercitationes criticae, which was devoted to a study of the text. By these articles, a firm basis for the work of succeeding years was laid.

Period II, 1865-1887: The Era of Acceptance

The appearance of the editions[1] of Jordan-Eyssenhardt in 1864, and of Peter in 1865, placed the study of the Scriptores on a much firmer footing. Since the evidence of the manuscripts was now for the first time brought before the public, great interest was aroused. The fruits are seen in the increased activity of the time.

The great mass of criticism which appeared during this time may be grouped under four heads:

1) Textual criticism.

2) Study of the language and style.

3) Attempts to prove from what sources the Scriptores drew.

4) Attempts to solve the problem of the authorship of the lives and of the time at which they were written.

Since the new editions naturally differed from the accepted versions in many points, there was great activity in textual emendation. In consequence, about 1250 conjectures[2] were published between 1865 and 1882. Since these do not fall within the scope of our outline, they may be passed by without further notice.

Three men devoted their attention to a study of the Latinity. Of these, Paucker[3] made a study of the words

[1] Roesinger, De S. H. A. commentatio critica, Progr. Schweidnitz, 1868, p. 1. Jordan published the text as it stood, confining emendations to the foot notes. Peter, however, while no less careful, admitted emendations freely.

[2] Peter, Bericht, 1865-1882, p. 139.

[3] Paucker, De latinitate S. H. A. meletemata ad apparatum vocabulorum spectantia, Dorpat, 1870.

used by the Scriptores. Under separate headings,[1] he grouped the new words used by the Scriptores, the words already in use under the empire, those found in old Latin, and those derived from the poets. Changes in gender or declension were also noted. Less comprehensive than his work was a study of the prepositions by Krauss,[2] and Cotta's[3] investigation of the particles in use in the Scriptores.

The problem of the sources for the history of the later empire was attacked with great interest at this time. In the discussion of this question, the Scriptores were by no means neglected. Since the statements found in the lives that certain authors had been used were accepted as literally true,[4] the main aim was to find out how much of the life in each case was drawn from them. On the basis of these references, the problem of the sources of the Scriptores presents two phases:

1) The use of Latin sources.

2) The use of Greek sources.

Foremost among the Latin writers was Marius Maximus. During this period he was thought to have been the main source for the lives from Hadrian to Heliogabalus because he was cited more often than any other author.[5] The questions which must be answered in this connection are:

1) The extent of the period covered by Maximus?

2) Of whom he wrote?

[1] This outline is drawn from Peter, op. cit., p. 176.

[2] Krauss, De praepositionum usu apud sex S. H. A., Vienna, 1882.

[3] Cotta, Quaestiones grammaticae et criticae de vitis a S. H. A. conscriptis, Breslau, 1883.

[4] Cf. Gemoll, Die S. H. A., Leipzig, 1886, pp. 10-12.

[5] His work is cited twenty-eight times, Mueller, p. 20.

3) How closely the Scriptores followed him in content and form?

4) Was the Maximus cited by the Scriptores identical with the Maximus who was city prefect under Macrinus?

One of the earliest advocates of the theory that Maximus was the chief source for the first part of the Scriptores was Mueller.[1] After a careful investigation of the various references to this author found in the Scriptores, he concluded[2] that, under Alexander Severus,[3] Maximus wrote the lives of Nerva, Trajan, Hadrian, Antoninus Pius, Marcus, Commodus, Pertinax, Julianus, Severus, Caracalla, and Heliogabalus. These were collected in a book entitled *Vitae* or *De Vitis Imperatorum*. By an analysis of such of these lives as appear in the Scriptores, and of the supplementary biographies of Albinus, Macrinus, and Diadumenus, Mueller attempts to prove that:

1) These lives were either wholly or in great part[4] drawn from Maximus.

2) From these, the plan of treatment which Maximus followed can be reconstructed.

The dangers which this hypothesis involves are patent. Nevertheless Mueller's conclusions found general acceptance. Proceeding from them as a basis, several of his contemporaries attempted to show what parts were drawn from Maximus. The great obstacle in their path, however, was

[1] Mueller, Der Geschichtschreiber L. Marius Maximus, Buedinger, Untersuch., vol. 3, Leipzig, 1870.

[2] Op. cit., p. 30.

[3] Since no references to a life of Alexander by Maximus are found, the conclusion is that the historian died during this reign.

[4] The exceptions are Marcus, Commodus, Severus, Caracalla, Albinus, and Macrinus where traces of the work of other authors are seen.

the fact that the citations were not all equally valuable. In one place, we find an account of some miracle [1] cited from him, in another, traditions about the ancestry of some emperor,[2] in a third, a document of historical value.[3] Unless this could be explained, the value of his work as a source might well be called in question.

Ruebel [4] accepted Mueller's view of the use of other authors to supplement Maximus. Dreinhoefer,[5] an advocate of the single source theory, at once replied that other authors were used only to supply the parts not found in Maximus, as in the case of those emperors who were less well known.

The difficulty occasioned by the fluctuation in the historical value of the references to Maximus still remained. Plew [6] attempted to explain this by advancing the theory that the better material was taken from Maximus directly, while that of lesser value was drawn from authors of inferior rank who had used his work; among others, from Cordus.

The result of the work of these men, and of others who followed their example, was to establish the position of Maximus as the chief source of the lives from Hadrian to

[1] Had. 25, 4.

[2] Marc. 1, 6.

[3] Comm. 18, 2.

[4] Ruebel, De fontibus quatuor priorum H. A. S. pars prior, Bonn, 1873, p. 61.

[5] Dreinhoefer, De fontibus et auctoribus vitarum quae feruntur Spartiani, Capitolini, Gallicani, Lampridi, Halle, 1875, pp. 18-35.

[6] Plew, M. M. als directe und indirecte Quelle der S. H. A., Strassburg, 1878, pp. 18, 19, 21, and 45. In his Kritische Beitraege zu den S. H. A., Strassburg, 1885, he forcibly restates his position in answer to Peter's criticism, Bericht, 1865-1882, p. 167f.

Heliogabalus so firmly that it has been but recently assailed.[1]

Whether the author cited so often by the Scriptores is the same as the L. Marius Maximus Perpetuus Aurelianus who played an important part in the history of the early part[2] of the third century, is a much mooted question. Mueller,[3] Ruebel,[4] and Plew[5] deny the identity; Dessau,[6] on the contrary, accepts it. The most that can be said is that it is possible.

Aelius Junius Cordus[7] is also frequently cited by the Scriptores. He is thought to have written of those emperors who were less well known,[8] and to have handed down all kinds of petty trivialities.[9] It is, therefore, surprising to find that the Scriptores occasionally cite him as a source for more valuable material,[10] and, in some cases, prefer his account to any other. From the fragmentary nature of the citations, the scope[11] of his history is uncertain. The use of his work seems to have been confined to the lives of Albinus, Macrinus, Diadumenus, the Maximini, the Gordiani, and Maximus and Balbinus. Various attempts have been made to determine the sources used by Cordus in certain passages ascribed to him, but with little success. He

[1] By Heer, Schulz, and Kornemann.

[2] From inscriptions we learn the details of his official career; cf. Dion. 78, 14, 3; 36, 1; 79, 2, 1.

[3] Op. cit., pp. 170-174.

[4] Op. cit., p. 60.

[5] Op. cit., 1885, pp. 29 ff.

[6] Prosopographia Imper. Rom., vol. 2, p. 346.

[7] Niehues, De Aelio Cordo rerum Augustarum scriptore commentatio, Muenster in Westphalia, 1885.

[8] Macrin. 1, 3.

[9] Albin. 11, 2; Maxim. 4, 1; 6, 8.

[10] Gord. 17, 1-3; 19, 9; 22, 2; 31, 6; 33, 4; et al.

[11] Niehues, op. cit., p. 9.

was clearly one of the less valuable sources used by the Scriptores.

The relation of these lives to Victor and Eutropius was less often discussed in the literature dealing with the Scriptores, and, for that reason, it may be passed by here. It is enough to say that before the end of this period, Enmann[1] had solved the problem.

The question of the use of the Greek sources can be treated with a little more certainty. Although most of these writers have perished, the work of Herodian, often cited in the lives, is preserved. This circumstance is doubly valuable. It not only gives critics a chance to determine how much was drawn from Herodian, but throws some light on the way in which the Scriptores used their sources. With the light thus gained as a criterion, various attempts were made to show the relation of this collection to Dion, Herodian, and Dexippus.

The agreement, which naturally existed between two works covering the same period, led some to think that the Scriptores used Dion as a source. The impossibility of this view was, however, clearly seen by others.[2] Equally impractical was Giambelli's attempt[3] to prove that both had used Maximus.

The manner in which the Scriptores used Herodian and Dexippus was naturally differently regarded at different times. Brocks,[4] Daendliker,[5] and Ruebel,[6] who wrote early

[1] Enmann, Eine verlorene Geschichte d. roem. Kaiser, Philol., supplb. 4 (1883).

[2] Peter, Bericht, 1865-1882, p. 173.

[3] Giambelli, Gli scrittori della storia Augusta, Rome, 1881, pp. 13-47.

[4] Brocks, de quattuor prioribus H. A. S., Koenigsberg, 1869, pp. 46-49.

[5] Daendliker, Die drei letzten Buecher Herodians, Buedinger, Untersuch., vol. 3, 1870, pp. 205 ff.

[6] Op. cit., pp. 1-8.

in this period, thought that Herodian had been used directly. Mueller[1] pointed out the differences which existed between the parallel accounts found in Herodian and in the Scriptores, and insisted that the similarities were due to the fact that both used Maximus. Plew[2] and Giambelli[3] accounted for the differences on the ground that the story of Herodian had been worked over before it was used by the Scriptores. Plew attributed this revision to Cordus, Giambelli, to Tatius Cyrillus.[4] The theory of an intermediate writer was given a third form by Boehme,[5] who thought Dexippus stood between the two versions.

As Peter observes,[6] misinterpretations and errors due to haste prove nothing for or against the direct use of Herodian by the Scriptores. While the similarities between the two suggest that the Scriptores used the Greek directly, there are two points in favor of Boehme's theory: the references to Herodian under the name Arrianus,[7] hard to understand if the Scriptor had the correct name before him, and the fact that, when the two Greek historians are mentioned together,[8] Dexippus is put first. Certain passages in the life of Maximus and Balbinus[9] seem, however, to have been drawn from Herodian directly. Since six out of the twelve references[10] to Dexippus in the lives of the Maximini, the Gordiani, and Maximus and Balbinus are clearly inserted, it does not seem likely that his version of

[1] Op. cit., p. 88 f. [2] Op. cit., 1878, p. 19, n. 2.
[3] Op. cit., pp. 79 f.; cf. Becker, op. cit., p. 13.
[4] Known only from Maxim. 1, 2.
[5] Boehme, Dexippi fragmenta, Leipzig, 1882, pp. 10-11.
[6] Bericht, 1865-1882, p. 169.
[7] Maxim. 33, 3; Gord. 2, 1; Max. et Balb. 1, 2.
[8] Maxim. 33, 3; Max. et Balb, 1, 2; 16, 6.
[9] Max. et Balb. 15, 3; 15, 5; 16, 6.
[10] Maxim. 32, 3-4; 33, 3; Gord. 23, 1; Max. et Balb. 15, 5; 16, 3; 16, 5.

Herodian was used in these places. In consequence, Peter infers[1] that while the writer of the lives of the Maximini and the Gordiani may have used Herodian through Dexippus, there is no reason to think that the former was not used directly in the life of Maximus and Balbinus as he had been[2] in the lives of Albinus, Macrinus, Diadumenus, and Alexander. A few years later, Peter rejected[3] this theory of the use of Dexippus as an intermediate source.

The question of the authorship of the various lives in the first part of the Scriptores was vigorously contested. Since the divergences of opinion on this subject are valuable simply to show how much energy was consumed in futile discussion, the results are here tabulated:

	Manuscripts.	Plew.[4]	Brocks.	Ruebel.	Dreinhoefer.	Cotta.
Hadrian	Spart.	Spart.	Spart.	Spart.	Spart.	Spart.
Helius	Spart.	Spart.	Spart.	Spart.	Spart.	Spart.
Pius	Cap.	Spart.	Spart.	Spart.	Spart.	Spart.
Marcus	Cap.	Spart.	Spart.	Cap.	Spart.	Spart.
Verus	Cap.	Spart.	Spart.	Cap.	Spart.	Spart.
Av. Cass.	Gall.	Gall.	Gall.	Gall.	Gall.	Gall.
Commodus	Lamp.	Spart.	Lamp.	Cap.	Spart.	Spart.
Pertinax	Cap.	Spart.	Lamp.	Cap.	Spart.	Spart.
Julianus	Spart.	Spart.	Spart.	Spart.	Spart.	Spart.
Severus	Spart.	Spart.	Spart.	Spart.	Spart.	Spart.
Niger	Spart.	Spart.	Spart.	Spart.	Spart.	Spart.
Albinus	Cap.	Spart.	Cap.	Spart.	Spart.	Cap.
Caracalla	Spart.	Spart.	Spart.	Cap.	Spart.	Spart.
Geta	Spart.	Spart.	Lamp.	Cap.	Spart.	Lamp.
Macrinus	Cap.	Lamp.	Cap.	Lamp.	Lamp.	Spart.
Diadumenus	Lamp.	Lamp.	Lamp.	Lamp.	Lamp.	Lamp.
Heliogabalus	Lamp.	Lamp.	Lamp.	Lamp.	Lamp.	Lamp.
Alex. Sev.	Lamp.	Lamp.	Cap.	....	Lamp.	Lamp.
Maximini	Cap.	Cap.	Cap.	Cap.	Cap.	Cap.
Gordiani	Cap.	Cap.	Cap.	Cap.	Cap.	Cap.
Max. et Balb.	Cap.	Cap.	Cap.	Cap.	Cap.	Cap.

[1] Bericht, 1865-1882, p. 171.

[2] Albin. 12, 14; Macrin. 10, 4 (Mueller would add 8, 3-10, 3); Diad. 2, 5; Alex. Sev. 52, 2; 57, 3.

[3] Die S. H. A., pp. 49-102.

[4] Plew, De diversitate auctorum h. A., Koenigsberg, 1869. The outline is taken from Eussner, Jahresb. Fort. class. Altert., vol. 22 (1880), p. 123.

Plew based his work on a study of the references in the lives to the biographies already completed, and on a comparison of parallel passages. Brocks[1] tried to distinguish the different authors by their stylistic peculiarities. Ruebel[2] maintained that each of the Scriptores had such a characteristic way of using his sources, that, by comparison, it was possible to show to whom each of these lives was to be attributed. Dreinhoefer[3] sought to prove the authorship of the different lives by the statements found therein about other biographies which the authors claimed to have written. Finally, Cotta[4] attempted to show that an examination of the sources which the Scriptores claimed to have used and of the manner in which they used them would settle the question.

The futility of all this is best seen from the words of Peter:[5] "The first four Scriptores hold the same official place, follow the same master, Suetonius, and put the same pattern at the basis of their work; they have the same lack of individuality which might give their work some official stamp, they follow the same sources—in short, the similarity is so great that no results can be hoped for from this side (i. e., the previously mentioned attempts at dividing the lives). The work is the more vain since it is based on a false theory of wrong manuscript assignments. On the contrary, the manuscripts are unanimous in assigning the lives to the authors whose names they bear."[6]

Less interest was shown in the time when these authors were supposed to have written. Faith in the imperial dedi-

[1] Op. cit., pp. 3, 22, 23, 32-5; and 40.
[2] Op. cit., pp. 61 ff.
[3] Op. cit., pp. 41-46.
[4] Op. cit., p. 68.
[5] Bericht, 1865-1882, pp. 146 f.
[6] The value of this point is lessened by the discovery, subsequently made, of the relation of the manuscripts.

cations seemed, as yet, unshaken. The fact that in the body of the lives there were references which were, seemingly at least, at variance with these dedications was for the most part unnoticed, or explained by elaborate hypothesis. In consequence, the problem was not yet vital. Gemoll[1] gave a general outline of the subject. Cotta[2] and Brocks,[3] by a study of evidence collected from the lives, gave the first four Scriptores dates different both from those determined upon by Peter[4] and by each other. Linsenbarth[5] and Brunner[6] turned their attention to establishing the date of Vopiscus. The only departure from traditional methods in their work is the former's attempt to prove that the work of Vopiscus, as we have it, is an epitome of a longer work by the same author now lost. The value of the work done on the subject during this period lies not in the results reached, but in the clearness with which it demonstrated that quite different conclusions could be based on almost the same evidence.

Taking the period as a whole, the most interesting point is the serious acceptance of the statements found in the Scriptores which throw light upon the question of authorship, time of composition, and the sources used. A reaction against this attitude was inevitable. The search for evidence to prove the truth of these references also brought to light many latent inconsistencies in the lives on which the reactionists might base their work. The following period is then the logical consequence of its predecessor.

[1] Gemoll, Die S. H. A. I., Leipzig, 1886, pp. 4-6.

[2] Op. cit., p. 64 ff.

[3] Brocks, Studien zu den S. H. A., Marienwerder, 1877, pp. 3 and 13.

[4] Cf. p. 8 above.

[5] Linsenbarth, Der roemische Kaiserbiograph Flavius Vopiscus, Progr. Kreuznacher Gymn., 1876.

[6] Brunner, Vopiscus Lebenbeschreibungen, Buedinger, Untersuch., vol. 2 (1868), pp. 1-112.

PERIOD III, 1888-1898: THE ERA OF DOUBT

While the general tendency of the preceding period was to accept the Scriptores without question, there had been some indications of the coming deluge. As early as 1870, Czwalina[1] had declared that the letters in the life of Avidius Cassius were spurious. The matter rested there until Klebs,[2] eighteen years later, confirmed the verdict and showed that the letters at the end of the life of Diadumenus were of a similar nature. In the same year, Ruhl[3] attacked the traditional view of the time when Vopiscus wrote, basing his argument on these statements gleaned from the lives attributed to that author: Since the daughter of Aurelian was not married at the time of her father's death in 275,[4] she could hardly have a son old enough to be proconsul of Gaul in 305.[5] Why would Vopiscus, if he wrote in 305, include Diocletian and Constantine among those at whom his parents wondered?[6] On the other hand, if Vopiscus meant to imply that Constantius was still Caesar,[7] then he wrote before 305. The evidence is not only insufficient but irreconcilable.

Surprising as these attacks seem in contrast to the attitude of previous years, they were mild compared with what was to come. During the next year, Dessau opened one of the most hotly contested philological battles of modern times by his memorable attack[8] upon the authenticity of

[1] Czwalina, De epistularum auctorumque, quae a S. H. A. proferuntur, fide atque auctoritate, particula prima, Bonn, 1870.

[2] Klebs, Die Vita des Avidius Cassius, Rhein. Mus., vol. 43 (1888), pp. 321 ff.

[3] Ruhl, Die Zeit des Vopiscus, Rhein. Mus., vol. 43 (1888), pp. 597 ff.

[4] Aurel. 50, 2. [5] Aurel. 42, 2.

[6] Probus 22, 3. [7] Carin. 17, 6.

[8] Dessau, Ueber Zeit und Persoenlichkeit der S. H. A., Hermes, vol. 24 (1889), pp. 337.

the Scriptores. Other scholars hastened to take up the struggle, until, in the heat of the conflict, all other problems connected with the lives were practically overlooked.

According to Dessau's idea, the view that the Scriptores wrote under Diocletian and Constantine rested on evidence which was either false or wrongly interpreted. He thought it extremely improbable that an author who had written for the first of these emperors, would dedicate his later work to the second, both because of the nineteen years' interval between their reigns in the East, and because of the hostility engendered by the civil strife to which Constantine owed his accession. Then, too, if Pollio wrote while Constantius was still Caesar, he would hardly dare lift that ruler above his fellows by tracing his ancestry to Claudius II.[1] The claim of Vopiscus is no better, for, according to the records, Tiberianus was not in office when that author claimed to have conversed with him.[2] Further, how did he secure such a gift of prophecy as to foretell the future glories of the children of Constantius.[3]

Besides these inconsistencies, the lives swarm with falsehoods. Many of the people mentioned bear the same names as the nobles of the late fourth century.[4] The story of the barbarian parentage of Maximian could not have originated before the tribes in question were known to the Romans, say 380-390 A. D.[5] The similarity of the life of

[1] Gallien. 7, 1; 14, 3; Claud. 1, 1; 3, 1; 9, 9; 10, 7; 3, 2; cf. Dessau, op. cit., p. 340 f.

[2] The Hilaria (Aurel. 1, 1) was celebrated Mar. 25. Tiberianus was prefect from Sept. 14, 303, to Jan. 4, 304 A. D. The only possible explanation is that Vopiscus referred to the Isis festival celebrated Nov. 3; cf. Dessau, op. cit., p. 345.

[3] Aurel. 44, 5; cf. Dessau, op. cit., p. 346.

[4] For example, the Ceioni Albini, Albin. 10, 6; 12, 8; 13, 5.

[5] Maxim. 1, 5; cf. Dessau, op. cit., p. 359 f.

Marcus to Eutropius, and of Severus to Victor[1] must be due to the use of these writers by the Scriptores. All these facts point to the latter part of the fourth century as the time of writing. The plurality of authorship claimed in the manuscripts can not be used to disprove this, for there is nothing to show how selection was made from the works of these various authors, nor why the lives of different members of the same family are from different hands. This, together with the similarity running through the whole collection, makes it clear that these biographies are a forgery to which the author has attempted to give an appearance of antiquity in order to win favor for his work.

Mommsen[2] at once undertook the defense of the authenticity of the collection, and brought forward the most convincing arguments to support his view.

As he well says, why should a forger in the time of Theodosius end with Carus or praise the extinct dynasty founded by Constantius? Arguments drawn from the lives do not prove that the collection is a forgery for so miserable a patchwork can not be used against itself. In spite of all inconsistencies, there are many signs of the time of Diocletian and Constantine. The indifference toward the Jews and Christians, the pre-Diocletian geographical names, the silence about Constantinople,[3] the fact that the names given to the legions date from the period before Diocletian or from his time, the absence of the titles given to the imperial servants by the change of 320, the agreement of the different sums of money mentioned with the value

[1] Marc. 16, 3-18, 5 and Eutrop. 8, 11 ff.; Sept. Sev. 17, 5-19, 4 and Victor, De Caes. 20, 15 ff.

[2] Mommsen, Die S. H. A., Hermes, vol. 25 (1890), p. 228.

[3] In the few places where this city is mentioned, it is called Byzantium.

given such coins under Diocletian and Constantine, all argue for this date.

The difficulty which the critics experience centers in their overlooking the division of the biographies into primary and secondary. In the latter class belong the lives of Helius, Niger, Geta, Albinus, Diadumenus, and Cassius. To put these on the same level as the others, complicates the problem. The difficulty of assigning these lives to their proper authors is made still greater because the composer of the secondary series has attached to his work the names of the authors to whom the other biographies were attributed. While the names as they stand are impossible and may be false, the complications involved are the result of accidents in transmission, not of the work of a forger. Where falsification does occur, it has been used to fill in deficiencies. The forged documents in the secondary lives as well as in the rest of the collection can not be used as proof that the lives were written later, for they show the stamp of the time of Diocletian and Constantine. The presence of the Claudius legend and race names common in later Latin in the work of Pollio do not contradict this statement. He may well have invented the former, while the latter is due to his use of Dexippus. The work of Vopiscus clearly belongs to the time of these emperors. The lives from Heliogabalus to the Maximini were clearly written in the reign of Constantine. Dessau's hypothesis of a forgery can not be maintained. The similarity of the names used by the Scriptores to those of the nobility at the end of the fourth century proves nothing. The story of the parentage of Maximin concerns not tribes, but individuals, and, in consequence, may be earlier in origin than Dessau thought. Some hints of a later period do exist, but these are due to the manner in which the collection took form. First, an editor, about 330, collected the available

material, and filled in the gaps with his own work. At a much later time, a reviser retouched the whole and added the evidence of a later period which has caused the trouble. By him also the portions which resemble Eutropius and Victor were inserted.

Seeck[1] almost immediately joined forces with Dessau, with the two-fold purpose of proving the lives a forgery, and of refuting Mommsen's arguments.

It is not likely that a work which was never cited during the fourth century should rouse sufficient interest to induce anyone to revise it. Further, a mere revision could not introduce so many signs of a later period. The presence of references to the order of Diocletian proves nothing, for his order did not die with him. Vopiscus did not write under Constantine, for, if he had, he would never have put Constantine second[2] or referred to the successors of Diocletian.[3] Pollio's case is no better. The reference to the Trojans in the life of Claudius,[4] intended to connect the nobility of the new capital with Troy, are late. It is strange that a man who lived in the third century, when the title *Mater Castrorum* was commonly given to the empresses, should wonder at Victoria's being given this honor.[5] If Spartianus wrote under Diocletian, then it is clear that he foresaw that emperor's sudden change of plan in regard to the succession.[6] The references in the earlier lives to the Caesars fit a later period. The value given to different pieces of money suits the time of Theodosius and Justinian. The barbarous Latin in which the lives are

[1] Seeck, Die Entstehungszeit der S. H. A., Neue Jahrb. Phil. u. Paed., vol. 141 (1890), pp. 609 ff.

[2] Carin. 18, 3.

[3] Bonos. 15, 10.

[4] Claud. 11, 9.

[5] Trig. Tyr. 5, 3; 6, 3; 25, 1; 31, 2.

[6] Seeck, op. cit., p. 626.

written agrees with the latter part of the fifth century, the time when they were first known. The striking similarities in the style of the different parts of the collection betray the hand of one man as author.

Klebs[1] on the whole accepted Mommsen's position. He rejected the idea of a revision of the work by a later hand, since many things which were thought to point to the latter part of the fourth century in reality do not belong there. The similarities to Victor and Eutropius[2] are due to the use of the same sources by these authors and by the Scriptores, not to a reviser who would expand, not shorten the story. Then too, the work of the editor has been exaggerated by Mommsen. There is no room for such retouching outside the first part of the lives, and, even there, it is useless to suppose that anyone would imitate the style of the original writers for the sake of inserting nonsense.

Much the same line of argument was followed in another article which appeared two years later.[3]

A forger would not have changed the form of dedication between the two parts of the collection, nor uselessly confused the problem of authorship. Whether he would have divided the lives among different authors is also doubtful. The different attitude toward the senate in various parts of the collection proves plurality of authorship, while the corrections found in the work show that it is not the work of a forger. The presence of geographical names and official titles lost before the end of the fourth century points to the same conclusion. Language and style prove nothing as to the time of writing. The suspicious documents must

[1] Klebs, Die Sammlung der S. H. A., Rhein. Mus., vol. 45 (1890), p. 436.

[2] Op. cit., p. 459 f.

[3] Klebs, Die S. H. A., Rhein. Mus., vol. 47 (1892), pp. 1 ff., and 515 ff.

be carefully tested before rejection. Latin translations of Greek verses and references to the authority of the author's father or grandfather are no evidence of falsity. The former were taken from some source, the latter, copied from Suetonius.[1] In attempting to prove the time of writing by material drawn from the lives, the greatest care must be used, especially as many things said to be peculiar to the Scriptores are common in the second century. To the second part of the lives belong dedications to private individuals, specific introductions to the lives and the grouping of a number of usurpers in one book. The attitude toward Christianity is also different from that in the earlier lives.[2] These parts can be subdivided into groups of lives by studying the style and the method in which the Scriptor has used his material.[3] All this offsets the things which Dessau and Seeck insist upon as signs of a late origin for the lives. Many of these can be explained. The jests on the names of the emperors[4] resemble the puns on personal names common in Plautus and Varro, while the Probus oracle[5] may be a later interpolation.

After a careful study of the language of the Scriptores, Woelfflin[6] arrived at a conclusion which was practically the same as Mommsen's.

It can not be doubted that there are six authors. Some of the stylistic peculiarities are due to the conscious use of Suetonius and the influence of Maximus, others, to the

[1] Sueton., Calig. 19; Otho 10.

[2] Alex. Sev. 22, 4; 29, 2; 45, 7; 49, 6; 51, 7.

[3] The second part of the article (p. 515 ff.) is devoted to an attempt to establish the authorship of the different lives by a study of these points.

[4] Klebs, op. cit., p. 44.

[5] Probus, 24, 2.

[6] Woelfflin, Die S. H. A., Sitzungsber. der philos.-philol. Klasse der bayer. Akad., 1891, pp. 465 ff.

peculiarly retentive memories of the Scriptores, who repeat unintentionally, in part, what they have read, still others to the late Latin usage. In spite of the traces of the individual authors,[1] there are certain similarities running through the whole which are due to the later reviser, Vopiscus.

Soon after, Dessau[2] returned to the attack with a fresh collection of material which opposed the idea that these lives were written in the time of Diocletian and Constantine.

The date at which Vopiscus claimed to write is impossible. He was far too young in 303 to have held a conversation with Tiberianus, and he evidently did not know the cause of the death of Carinus, which occurred so short a time before. Pollio would never have dared to publish falsehoods about the Thirty Tyrants in 303 when so many of their contemporaries were still alive. Further, if he knew of the excitement in Rome at the time of the death of Gallienus, why did he not speak of it? All this goes to confirm the fact, toward which the similarity in the lives points, that this collection is the work of one man.

Seeck[3] published a second article supporting Dessau's view in which he rested his argument on six points. The words *Ragonis Claro praefecto Illyrici et Galliarum*[4] refer to an office first known in 364. (He disregards the fact that it stands in a letter.) The Caesar Crispus[5] could not have been born in 303. The titles Alemannicus,[6]

[1] Woelfflin, op. cit., p. 479.

[2] Dessau, Ueber die S. H. A., Hermes, vol. 27 (1892), pp. 561 ff.

[3] Seeck, Zur Echtheitsfrage der S. H. A., Rhein. Mus., vol. 49 (1894), pp. 208 ff.

[4] Trig. Tyr. 18, 5. [5] Claud. 13, 2.

[6] Carac. 10, 6; Victor is the first author whose date is known who mentions this people.

Francicus[1] and Carpicus[2] could not have been applied to any emperor before they came into use late in the fourth century. The Legio III Felix[3] was not known before Valens. Vopiscus names sums of money[4] in a way not common before 340. Since the title *proconsul Ciliciae*[5] perished with the republic, it could not be used here, and certainly not of the grandson of Aurelian.

Although Peter[6] published his book on the Scriptores two years before Seeck's last article appeared, it seemed best to finish the outline of the controversy before turning to it. This work is doubly valuable because it not only sums up the author's long study of the question, but also, of necessity, felt the influence of this period of storm and stress in which it took form.

To his mind, plurality of authorship is unquestionably certain. These authors were not plebeians,[7] but owe their bad Latin to their clumsiness. It is clear that they wrote at the imperial bidding in the time of Diocletian and Constantine. Their parade of a vast number of sources fits this period. Many of the statements which have been selected to prove the falsity of the collection are simply the inventions of the author, loose statements, or general references. To this he adds a collection of evidence to prove when these lives were written.[8]

[1] Probus 11, 9. In dated records this is first found in the time of Valentinian, C. I. L. VI, 1175.

[2] Aurel. 30, 4.

[3] Aurel. 11, 4; Probus 5, 6.

[4] Aurel. 9, 7; 12, 1; cf. Alex. Sev. 22, 8.

[5] Aurel. 42, 2; Carus 4, 6.

[6] Peter, Die S. H. A. Sechs literar.-geschichtliche Untersuchungen, Leipzig, 1892.

[7] They wrote at the imperial bidding; Heliog. 35, 1; Maxim. 29, 10.

[8] Op. cit., p. 49.

In the compilation of these lives, the Scriptores drew from many sources, not slavishly, but contaminating and shortening at will. Beside Maximus, they used Herodian, Cordus, Dexippus, and the Imperial Chronicle. As we have it, the collection shows the work of three hands, the pre-Diocletian compiler who drew much from Maximus, the Scriptores during the time of Diocletian and Constantine, and the editor who made the collection before 330.

He obtains some interesting results from a study of the speeches, letters, and documents found in the collection. Of the 177 passages of this kind, 77 are letters, 31 imperial communications to the senate, 13 speeches, 7 inscriptions, and 3 edicts. In the first part of the collection, these are confined to the lives of the three tyrants, Cassius, Niger, and Albinus, and of the emperors, Macrinus, Diadumenus, and Alexander. Most of them are found in the later work of Capitolinus and in the second part of the collection. Of these, Pollio and Vopiscus wrote most of those in their work, those in Capitolinus are in great part from Cordus. Some of those in the first part are possibly correct.

The existence of these falsified parts does not prove the rest of the work false. Clumsiness and a desire to cater to the popular taste have brought about strange results, but there is nothing to warrant Dessau's hypothesis.

The struggle was now practically over; the articles written by Frankfurter[1] and De Sanctis[2] in support of Mommsen add nothing vital. Passing by Lessing's[3] syntactical studies, and a number of articles dealing with the

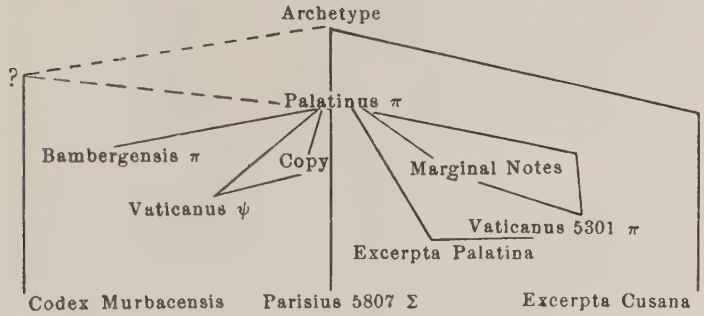
[1] Frankfurter, Zur Frage der Autorschaft der S. H. A., Eranos Vindobonensis, 1893, p. 218 f.

[2] De Sanctis, Gli S. H. A., Riv. Stor. Ant., vol. 1 (1895), pp. 90 f.

[3] Lessing, Studien zu den S. H. A., Berlin, 1889.

criticism of the text, there remains one important contribution which was made during this period.

Mommsen[1] had stated that the Bamberg manuscript, which Peter thought independent of the Palatine, was really a copy of the latter. Dessau[2] at once began investigations and found that not the Bamberg alone, but several other manuscripts had been copied from the Palatine. While this discovery is important for textual criticism, it will probably not have so much effect on the text as one might suppose, since Peter[3] says that, in his editions, he never follows the unsupported testimony of the Bamberg manuscript. Dessau's stemma is:



The influence of the period lies not in the number of facts proved, but in what the criticism which appeared during this time showed must be done. No one could now fail to see that side by side with a certain falsified portion lay a residue of fact. The value of this latter portion could be determined only by the most minute and careful investigation of the whole collection. On this belief, rests the work of the succeeding period.

[1] Hermes, vol. 25 (1890), p. 281.

[2] Dessau, Die Ueberlieferung der S. H. A., Hermes, vol. 29 (1894), pp. 393 ff.

[3] Bericht, 1893-1905, p. 36.

PERIOD IV, 1899-1907: THE ERA OF SOURCE STUDY

In his reply to Dessau, Mommsen had said[1] "we need a commentary which brings before our eyes the parallel passages, both inside and outside the collection, for each single statement, or shows their lack; we also need a complete, comprehensive, chronologically arranged word index of the really important expressions. Not until we have this will it be possible for the historian to accept or reject any statement in proper fashion." In order to carry out such an investigation successfully, a restricted field is necessary. For this reason, the critics of the present, as a rule, confine their studies to one life or to a small group of lives.

The first systematic investigation of the sources for any portion of the text of the Scriptores was Professor Drake's study of the fifth chapter of the life of Caracalla.[2] By a careful comparison of the literary, epigraphic, and numismatic evidence for this period, he showed that certain statements, long considered false, were correct.

Two years later, Heer[3] applied the same methods to the life of Commodus. As a result of his investigation, he concluded that this life was composed of two parts, chronological and biographical. The former included chapters 1, 1-6; 1, 10-2, 5; 3, 1-9, 3; and 17, 1-12; the latter is subdivided into two parts, the first comprising 1, 7-9 and 2, 6-9, the second, 9, 4-16, 9. To these was added an appendix, chapters 18-20. The chronological part is trustworthy, technically exact in its terminology, fond of giving personal names, and often superior to Dion. The biographical portion indulges in broad generalizations, gives but few per-

[1] Hermes, vol. 25 (1890), p. 281.

[2] Drake, Studies in the S. H. A., Amer. Jour. Phil., vol. 20 (1899), pp. 40 ff.

[3] Heer, Der historische Wert der Vita Commodi, Leipzig, 1901, in Philol., supplb. 9, pp. 1 ff.

sonal names, does not follow the chronological order of events, and is hostile toward the emperor. Some of the biographical portion is from Maximus, the chronological is not.

After a careful study of the lives of Pertinax, Julianus, Severus, Niger, Albinus, Caracalla, and Geta, Schulz[1] decided that similar elements appeared there also. In this study the author has relied mainly upon a comparison of the literary sources with the Scriptores. Beside the excellent historical part,[2] abbreviated more or less judiciously from the work of a contemporary superior to Dion in penetration, he finds a biographical part derived from several poor sources only partly contemporaneous. Beside these, there are the additions of the reviser and the inventions of the Theodosian reviewer. His study of the life of Hadrian[3] led to similar conclusions. In his opinion, the work of this unknown author from whom the chronological part is drawn ends with Caracalla.

Kornemann[4] attempted to bring together the similar portions in these and other lives. The results of the first part of his work, which deals with the life of Hadrian, differ but little from those gained by Schulz's study[5] of this life. In the second portion, the author attempts to bring together all the material in the lives from Hadrian to Alexander Severus which throws light upon the personality and method of the author from whom the chronologi-

[1] Schulz, Beitraege zur Kritik unser litterarischen Ueberlieferung fuer die Zeit von Commodus' Sturze bis auf den Tod des M. Aurelius Antoninus (Caracalla), Leipzig, 1903.

[2] Op. cit., pp. 122-124.

[3] Schulz, Leben des Kaisers Hadrian, Leipzig, 1904.

[4] Kornemann, Kaiser Hadrian und der letzte grosse Historiker von Rom, Leipzig, 1905; cf. Beitraege zur alten Geschichte, vol. 5 (1905), p. 290.

[5] Peter, Berlin. phil. Wochenschr., vol. 25 (1905), p. 1467 f.

cal portion is drawn. Besides the qualities which Heer and Schulz had already pointed out as characteristic of the chronological source, Kornemann produces evidence to show that the author of this history was more interested in the affairs of state than in those of war, especially in those of Rome and northern Africa. He was an ardent partisan of the senate and an enemy of Severus and his house. Alexander Severus, because of his kindness to the senatorial order, is idealized. This fondness for Alexander and the author's thorough knowledge of the affairs of state during this reign, lead Kornemann to think that his history was written at that time. Further, no traces of his work are seen in the subsequent lives. In other words, this unknown writer falls heir to much that was formerly assigned to Maximus. Not content with this, Kornemann must have a name for his author. Accordingly, from a most suspicious passage in the life of Diadumenus, one of the most corrupt in the collection,[1] he draws the name Lollius Urbicus. Because Borghesi[2] identifies this man with a certain African family, Kornemann fixes upon him as the author of this chronological source. The doubtful nature of the source for the name, and the fact that Urbicus was past eighty at the accession of Alexander, are not calculated to gain general acceptance for this bold theory.

With the application of the modern methods of source criticism to the Scriptores, faith in Maximus as the chief source declined. Heer[3] refuses to give him any share in the chronological source, and calls attention to the fact that the citations from Maximus fall outside the chronological part of the life. It is not even possible to cite him

[1] Diad. 9, 2; cf. Peter, Die S. H. A., p. 219, and Berlin. phil. Wochenschr., vol. 25 (1905), p. 1467 f.

[2] Oeuvres, vol. 9, p. 302, n. 2.

[3] Op. cit., pp. 145 ff.

as the author of the biographical source, for there were many other such works, and no one would merely mention one of his chief authorities in passing. Schulz's view is the same.[1] The references to Maximus are, to his mind, inserted by a later hand. The theory of Kornemann, of course, excludes Maximus. Peter,[2] on the contrary, is not inclined to yield, but still claims Maximus as the author of the chronological source. This much may be said, that many of the citations from Maximus stand in passages of questionable value, or seem to have been thrust into the text. The position of Maximus must be carefully re-established pro or con on the basis of the more recent investigations before any final decision can be reached.

Among the special studies which have appeared during this period may be counted Winterfeld's[3] attempt to determine, by a study of the rhythmical conclusions to many of the sentences, how much of the life of Hadrian was drawn from the autobiography. The rest he attributes to Maximus.

One of the most pressing needs of those who have worked with the Scriptores has been a special lexicon. This has now been supplied by Lessing.[4] In compiling it, the author has taken advantage of the recent discoveries about the relations of the manuscripts to introduce some improvements in the text. The work is valuable because it aims to give the number of times each word is used, together with examples of such occurrences as are most distinctive.

[1] Beitraege, pp. 14, 49, 73, 75, 77, 79, 82, 84, 115; Hadrian, pp. 9, 16, 55, 58, 88, 94, 99, 123.

[2] Berlin. phil. Wochenschr., vol. 22 (1902), p. 489; vol. 25 (1905), p. 1471.

[3] Winterfeld, Satzschlussstudien zur H. A., Rhein. Mus., vol. 57 (1902), pp. 549 ff.

[4] Lessing, S. H. A. Lexicon, Leipzig, 1901-1906.

Passing by Tropea's [1] long series of conservative articles, one finds in Leo [2] one of the latest statements of the problem of the Scriptores as a whole. Inasmuch as these lives are our only examples of Latin biography after Suetonius, we can neither throw them aside as useless, nor attempt to reconstruct Maximus from their pages. In order to give as full a picture as possible, foolish gossip is introduced, and even inventions. Since these authors have no fixed scheme, each life must be studied by itself. Examination shows that the inventions here are similar to those in all the post-Suetonian lives. There is no necessity for naming Maximus as the author of these falsehoods. Further, they are especially common in Pollio and Vopiscus where no one claims Maximus was used.

An analysis shows that in this collection we have a Suetonian form, a mongrel style, and the influence of the Plutarchian Peripatetic type of writing. Three stages are visible in the composition of the lives:

1) The writing of the work of Maximus.

2) The union of excerpts from the lives written by him with selections from works later in origin and naturally dependent upon his work.

3) The last compilation and revision by the editor of the collection. To him belong the appendices of the various lives. The results of this are seen in various ways in different parts of the lives selected from the work of six authors. It is not strange if the work of Maximus con-

[1] Tropea, 1, Sulla personalità; 2, Antonini nomen; Data della composizione; 3, Mario Massimo; 4, Aelio Cordo; 5, Commodo; 6, Intorno alla patria di Adriano, 1889-1903. Reviewed by Peter, Berlin. phil. Wochenschr., vol. 20 (1900), p. 685 f.; vol. 22 (1902), p. 488.

[2] Leo, Die griechisch.-roemische Biographie nach ihrer litterarischen Form, Leipzig, 1901.

tained falsehoods, but our question is not, are the lives false, but how much is false? The manner of using the available material in different parts makes plurality of authorship certain. It is equally certain that all the work of these writers can not be false. The dedications to Diocletian were either copied or invented, probably by a reviser, whose touch is often seen, to give the work an older look. Still some of the falsehoods are, as was said, due to the example set by Maximus.

In his work on the Scriptores, Lécrivain[1] treats all the lives in the collection. He attempts to show the value of the component parts of these biographies and the sources used. The question of the authorship, the time of composition, the documents found in the lives, the question of the final compiler, and the relation of these lives to the Chronicle used by Victor and Eutropius are all discussed at more or less length. Capitolinus wrote the lives of the Maximini, the Gordiani, and Maximus and Balbinus; his name is attached to other lives because he revised them. The secondary lives are also his work, although Spartianus may have worked over the biographies of Helius, Verus, and Niger, and Gallicanus retouched that of Cassius. An examination of the evidence which bears on the question of the time of writing leads him to conclusions which do not vary much from the traditional view. Very few of the documents and fewer of the verses are genuine. Spartianus drew almost exclusively from an anonymous source, not Maximus. The citations from that author, and the accounts of obscure events and trivialities, often attributed to Cordus, were added by Capitolinus. In his work, this author used Herodian, Dexippus, and Cordus. The Imperial Chronicle was also often used by the Scriptores.

[1] Lécrivain, Études sur l'histoire Auguste, Paris, 1904.

In his review of the work of Lécrivain, Stein[1] calls attention to the fact that in deciding whether or not an author has used a source, and in pointing out the places where he used it, Lécrivain has often based his conclusions on unsafe premises and purely subjective reasons. This work adds nothing new, but is a conservative presentation of the available material. In this its value consists.

It would not be in place in an outline of this kind to draw hard and fast conclusions concerning so intricate a problem. This much, however, may be said, that the application of the principle of source study to each life or to a small group of lives is still in its infancy. On this, it seems, rests the hope of determining the value of the material presented by the Scriptores.[2]

[1] Stein, Woch. f. klass. Phil., vol. 22 (1905), p. 1228 f.

[2] Kornemann, Klio (Beitraege zur alten Geschichte), vol. 7 (1907), pp. 77 ff., and Weber, Untersuchungen zur Geschichte des Kaisers Hadrianus, Leipzig, 1907, appeared after the preceding summary was in type.

STUDIES IN THE LIFE OF HELIOGABALUS

This investigation was undertaken with a twofold purpose:

First. To apply to the life of Heliogabalus tests similar to those to which Heer[1] subjected the life of Commodus.

Second. To compare the results of the two pieces of work in the hope of throwing light on two problems:

a) The possibility of the use of the same sources in the two lives.

b) The reliability of the manuscripts in attributing the two lives to the same author, Lampridius.

The work here presented gives the results of the preliminary step, the division of the life into its component parts, and an analysis of one of those parts with a view to determining its historical value.

Considerable progress had been made before the publication of Kornemann's[2] work. It seemed, however, that it might still be worth while to put the history of the time over against a study of the life in such a way as to show how and where the Scriptor excelled or fell short in historical accuracy. The application of this principle has brought about a division of the material here presented into two chapters:

Chapter I. The history of the time drawn from all sources other than the life.

[1] Joseph Michael Heer, Der historische Wert der Vita Commodi in der Sammlung der Scriptores Historiae Augustae, Leipzig, 1901 (In Philol., Supplb. 9, pp. 1-208).

[2] Ernst Kornemann, Kaiser Hadrian und der letzte grosse Historiker von Rom, Leipzig, 1905. For an outline of this work see p. 31.

Chapter II. The critical study of the life itself with a view to determining the historical worth of its component elements.

The first chapter is subdivided into five sections:

I. The plot in favor of Heliogabalus[1] Circumstances attending his proclamation. The battle between Macrinus and Heliogabalus.

II. The fate of Macrinus. The accession of Heliogabalus and the establishment of his power. The winter at Nicomedia.

III. The arrival of Heliogabalus at Rome. Events until the year 221.

IV. Possible reform policy of the year 221. Adoption of Alexander, who is made Caesar.

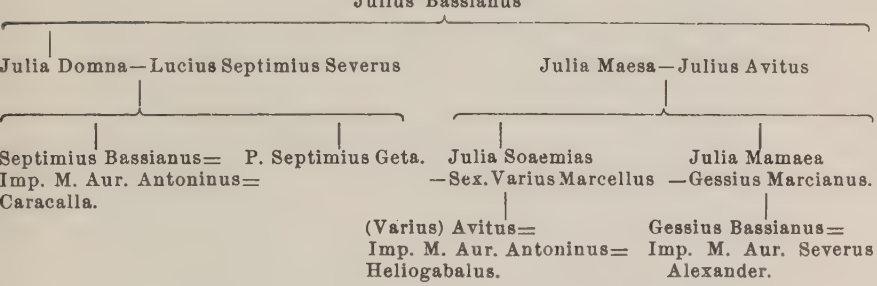
V. Resultant rivalry between the cousins. The downfall of Heliogabalus.

[1] The name Heliogabalus, though of questionable accuracy, is used for the emperor throughout, partly in distinction to the god, Elagabalus, partly because the title is used in the life; cf. Zeitschr. Deut. Morgl. Gesellsch., vol. 31 (1877), p. 93; Herzog, Geschicht. u. System, vol. 2, p. 483 n. 2. The name Elagabalus is explained by Cumont, Pauly-Wissowa, R. E., vol. 5, p. 2219.

CHAPTER I

HISTORY OF THE YEARS 218-222 A. D.

Since it is absolutely necessary to have the relationship of Heliogabalus to some of the most prominent figures of the period clearly in mind, it has seemed best to introduce at this point his family tree.[1] To this will be added such facts as throw light on the history of the time.



Our whole knowledge of Bassianus is gained from two passing references in Victor[2] which give his name and his title, priest of Elagabalus. Dion's implication[3] that he was of plebeian origin is hardly credible.

[1] Prosopographia Imp. Rom., vol. 1, p. 194 (for brevity this will be cited as P. I. R.); cf. Pauly-Wissowa, R. E., vol. 2, p. 2541.

[2] Victor, Epitome 21, 2, and 23, 2.

[3] Dion, Exc. Vat. 151, Boissevain, ed., vol. 3, p. 430, and 78, 24, 1; Boissevain's edition is used throughout, but not his numbering of the books. Dion here speaks of Domna as of plebeian extraction. From various sources we know that, after the dissolution of the Seleucid monarchy, Emesa was ruled by a line of hereditary sun priests (of Arabian origin, Zeitschr. Deut. Morgl. Gesellsch., vol. 17 (1863), p. 580; 25 (1871),

Of Avitus, the grandfather of Heliogabalus, Dion[1] tells us that toward the end of his life, he held some official position in Cyprus. Since he owned a mansion on the Esquiline,[2] he was probably a man of wealth and position. The little that is known of his wife, Maesa, will be told in the following pages.

Soaemias[3] was practically unknown before her son's accession. After that time, her position in the state seems to have been subordinate to Maesa's.

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p. 534; 31 (1877), p. 98). The principle of heredity was observed by Augustus in his appointment of a new ruler in 20 B. C. As late as 54 A. D., we find one brother succeeding another. The monarchy lasted until Vespasian certainly, possibly until Domitian (Marquardt, Staatsverw., vol. 1, ed. 2, p. 404) or Antoninus Pius (Daremberg-Saglio, Dict. Antiq., vol. 2, pt. 1, p. 530.) with whom the imperial coinage began. If we estimate twenty years to a generation, it is possible to put the date of Bassianus' birth about 142 A. D. Considering this, and the extreme conservatism of all mankind, especially the Oriental, in matters of religion (Jour. Hell. Stud., vol. 19, 1899, p. 76), it is very doubtful if a man of plebeian birth could gain admission to this priesthood. Even if one thinks these priests were elected from certain families (Ramsay, Cities and Bishoprics of Phrygia, vol. 1, pp. 51 and 146), it is not likely that a plebeian family could gain admission to the close corporation which controlled a priesthood with such traditions. Reville, La religion sous les Sévères, p. 193, n. 2; Eckhel, D. N. V., vol. 7, p. 245.

[1] Dion 78, 30, 4; cf. Pauly-Wissowa, R. E., vol. 2, p. 2395, 1, f.

[2] Not. d. Scav., 1879, p. 113; Lanciani, Syl. Aq., p. 226, no. 100.

[3] Zeitschr. Deut. Morgl. Gesellsch., vol. 31 (1877), p. 98. Here arguments are advanced to show that the name is of Arabic origin. In Rev. Arch., vol. 32 (1898), p. 40, Perdrizet gives a different explanation.

[4] In the few inscriptions where Soaemias is mentioned with Maesa, she takes second place (C. I. L. VI, 1079, VIII, 2564, 2715; cf. VI, 2832 where Mamaea's name takes third place, and Bull. Arch., 1902, p. 325 where her name precedes Maesa's). In

Her husband, Sextus Varius Marcellus, enjoyed considerable influence and prominence. As early as 196, he held[1] the position of *procurator aquarum*. His advancement through the successive grades of procuratorships to the rank of prefect, and thence to the praetorian class of the senatorial order, was uninterrupted. At the time of his death, he had either completed his term of office as *legatus legionis iii Augustae praeses provinciae Numidiae,*[2] or was still holding that position. Although no accurate estimate of

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the Arval records for 218, Maesa is mentioned by name; Soaemias is included in the *domus divina*. The inscription MATER AUG., so common on the coins of Domna and Mamaea, is never found on those of Soaemias. Her coins seem to emphasize her connection with the worship of Elagabalus, and other cults, Cohen, vol. 4, p. 388, nos. 4, 8, and 14-19; cf. Rev. Arch., Ser. 4, vol. 2 (1903), p. 44; cf. p. 226.

[1] C. I. L. XV, 7326. Marcellus was one of the few incumbents of this office who were not freedmen.

[2] C. I. L. X, 6569. Sexto Vario Marcello | proc(uratori) aquar(um) C., proc(uratori) prov(inciae) Brit(anniae) C. C., proc(uratori) rationis | privat(ae) C. C. C., vice praef(ectorum) pr(aetorio) et urbi functo, | c(larissimo) v(iro), prae(fecto) aerari militaris, leg(ato) leg(ionis) iii Aug(ustae), | praesidi provinc(iae) Numidiae, | Julia Soaemias Bassiana c(larissima) f(emina) cum filis | marito et patri amantissimo. (The C., CC., CCC. refer to the salary attached to these procuratorships, i. e. centenario, ducenario, trecenario.) Domaszewski, Rhein. Mus., vol. 58 (1903), p. 222, remarks that Caracalla would only have made Marcellus vice regent, by the union of the city and praetorian prefectures, in his own absence, probably between 213-215. The fact that Marcellus was later *praefectus aerarii militaris* he explains by the excessive increase of the pay of the soldiers in 215-16. Only a man of proved loyalty and financial ability could handle the situation. The African appointment was his reward. The province of Numidia was created under Septimius Severus, Marquardt, Staatsverw., vol. 1, p. 470, and n. 3. Henzen, Annal. Inst. Arch., 1860, p. 34, tries to date this event, but the evidence is doubtful.

the time[1] spent in each of these offices can be made, it seems safe to say that his death probably occurred in the latter part of the first decade of the third century or even later; Domaszewski says probably in 217. The time of this event is of importance since it helps to fix the time when Soaemias returned to Emesa. If Domaszewski's[2] theory is correct, then the silence of the historians about the early life of Heliogabalus must be due to his unpopularity. If the lad were brought up at Emesa, however, it would be easier to explain this lack of information, than if he spent most of his youth at Velitrae,[3] some twenty-five miles south of Rome. At any rate, either because of this lack of information or because of some statements now lost, both Ammianus Marcellinus[4] and Julianus[5] imply that Heliogabalus was a native of Emesa.[6]

It seems useless to enter into any discussion about the name which Heliogabalus[7] bore as a lad. There is a hopeless conflict of sources; Herodian gives him the title Bassianus, Dio calls him Avitus. No other evidence is available. Therefore, until further light on the subject is secured, it is wisest not to come to any definite conclusion.

[1] The *praefectus aerarii militaris* was originally a three years office, but was later less. Mommsen, Roem. Staatsrecht, vol. 2, ed. 3, p. 1011, n. 4.

[2] Op. cit., p. 223.

[3] The funeral inscription of Sextus Varius Marcellus was found at Velitrae, C. I. L. X, 6569.

[4] Ammianus 26, 6, 20.

[5] Julianus, Convivium 313, A.

[6] Eckhel, D. N. V., vol. 7, p. 246, says Heliogabalus was born at Emesa, Reville, op. cit., p. 258, thinks the lad was brought up there. Schiller, Roem. Kais., vol. 1, pt. 2, p. 760, thinks that Soaemias and Mamaea were with Maesa at the court, and were sent with her to Emesa by Macrinus.

[7] P. I. R. vol. 1, p. 194.

I. THE RISE OF HELIOGABALUS

1. THE PLOT IN FAVOR OF HELIOGABALUS

In order to get a clear idea of the chain of circumstances which resulted in the elevation of Heliogabalus to the imperial throne, it is necessary to take into account certain events which followed shortly after the death of Caracalla.[1] The reason for this will be plain when we remember how Caracalla made use of the practical acquaintance with the affairs of state which Domna's[2] unusual prominence had given her. During his absence on campaign duty, she was practically in charge of the temporary court at Antioch.[3] Since all letters intended for the emperor had first to pass through her hands so that she might send on to him only the most important, she came to know many of the most important officials of the empire. Since many of these were Syrians[4] who owed their appointment to her, while others were under obligation to her for favors, she could count on their support.

At the time of Caracalla's death, we are told, Domna's keenest grief was at her loss of power. Before she learned what the course of Macrinus was likely to be, she seems to have thought of suicide[5] as a means of escaping the loss of prestige which her return to private life would bring. Her fears on that score proved groundless. The new emperor[6] permitted her to remain at Antioch and left all the outward marks of her former dignity unaltered. This

[1] April 8, 217; 'Amer. Jour. Arch., vol. 6 (1902), p. 295.

[2] Amer. Jour. Arch., vol. 6 (1902), pp. 259, 264, 273, 297.

[3] Dion 77, 18, 2, 3; Boissevain's ed., vol. 3, p. 397; 78, 4, 2; Amer. Jour. Arch., vol. 6, p. 290.

[4] Reville, op. cit., pp. 9, 13. In the first part of the third century the most important juris consults were Syrians; and under Severus, Orientals sit in the Senate and are masters of his council; cf. p. 254.

[5] Dion 78, 23, 1. [6] Dion 78, 23, 2.

policy of conciliation by kindness was a twofold mistake; it not only left Domna virtually mistress of the situation at Antioch during the emperor's unavoidable absence, but showed her his consciousness of his own weakness. Since her fears had proved so groundless, she began to look about her for means of regaining her authority.

Everything combined to favor Domna in any plans she might make. In these, she had an able assistant in her sister, Maesa, who had lived at court [1] long enough to have acquired an equal love of authority. Both had wealth, influence, and position in their favor. Near at hand were troops who disliked Macrinus because of the stricter discipline [2] to which he subjected them, and looked back with fond remembrance upon the foolish indulgence of Caracalla.[3]

Domna availed herself of these opportunities [4] to carry out her purposes. Unfortunately the text of Dion, the only source on this point, is mutilated at this place. It is, however, clear that he thought that Domna entered into a conspiracy with the soldiers in the hope of making herself empress.[5] After so many years of intimate association with those who held the imperial power, these women knew the Roman prejudice against a woman ruler and Domna's slender hope of success in such an attempt. Why then should they risk their lives for nothing? It would be much safer for them to attempt to put some one on the throne in whose name they could exercise the power they loved. For various reasons they would naturally seek such a figure-

[1] Dion 78, 30, 3.

[2] Dion 78, 12, 6; 78, 28, 2 f.; cf. 78, 9, 2.

[3] Dion 78, 3, 4; 17, 3.

[4] Dion 78, 23, 3, *ἐπραττέν τι καὶ ἐς τοὺς συνόντας οἱ στρατιώτας.*

[5] Dion 78, 23, 3. Unless Dion had this opinion, what is the meaning of the reference to Semiramis and Nitocritis?

head in their own family. How much more natural then that Domna's plans should have been in the interest of Heliogabalus!

Before they had made much progress, some report of what they were doing reached Macrinus. It is clear that this intelligence must have been vague. Macrinus might well be complacent if he thought that Domna was trying to make herself empress, but if he had suspected the true nature of her plans or Maesa's complicity therein, would he have merely ordered the former to leave Antioch[1] or commanded her sister[2] to return to Emesa where every thing was in her favor? The risk which this discovery brought, together with the bitter hostility toward Caracalla[3] at Rome, proved to be too much for Domna's courage which was already tried by the knowledge that she suffered from incurable disease.[4] Seeing in death an escape from her overwhelming misfortunes, she ended her life by starvation.[5]

[1] Dion 78, 23, 4.

[2] Herodian 5, 3, 4. All references to Herodian are made on the basis of the edition of Irmisch.

[3] Dion 78, 9, 1; 23, 4.

[4] Dion 78, 23, 6.

[5] Dion 78, 23, 5; Herodian 4, 13, 17. There is a curious contradiction between the two Greek historians about the cause of Domna's death. Dion's account makes Domna's suicide purely voluntary, but Herodian states that she starved herself to death either of her own accord or because she was commanded to do so. The text is not clear at this point. Irmisch (vol. 2, p. 1021) felt that this was obscure. It may be that the manuscript is corrupt. The fact that so many of the Greek verbs that mean "to depart" also have the meaning "to die" would make it easy for the copyist, if the name Antioch were omitted or overlooked, to misunderstand the passage. Macrinus was so mild in dealing with the family of Caracalla throughout, that it is hardly likely he ordered Domna to commit suicide.

The check which the plans of the conspirators thus received proved to be merely temporary. When Maesa returned to her native city [1] she was so entirely apart from the court circle that the risk of detection was greatly decreased. Since Emesa naturally had much to gain [2] if another friend of its interests should occupy the imperial throne, she could count upon the support of the most influential citizens. It also happened that her grandson,[3] as priest of Elagabalus, was brought prominently before the public. Since the importance of the cult [4] and the natural attractiveness of the lad [5] united to win the public favor, it would be easy to arouse enthusiasm in support of his becoming emperor.

When Macrinus, on his return from the Parthian campaign, quartered his troops around Emesa, Apamea, and Antioch,[6] he added the one thing necessary to ensure Maesa's success. These soldiers were discontented and rebellious because of the restrictions [7] which Macrinus had imposed upon them. Their feeling was augmented by the hardships resulting from continued encampment [8] and

[1] Dion 78, 30, 3.

[2] Caracalla had already made Emesa a Colonia; Digest 50, 15, 8; Marquardt, Staatsverw., vol. 1, ed. 2, p. 429, and n. 4. Since the city was in danger of losing its prestige after his death, it would gladly welcome the chance to see another of its friends upon the throne; cf. Salzer, Die syrischen Kaiser, pt. 1, p. 8; Schiller, op. cit., p. 760; Pauly-Wissowa, R. E., vol. 5, p. 2497.

[3] Herodian 5, 3, 8, and 12.

[4] Herodian 5, 3, 8-9.

[5] Herodian 5, 3, 13-16. Bernoulli, Die Bildnisse der roem. Kais., vol. 2, pt. 3, p. 87. The busts of Heliogabalus show little beauty.

[6] Dion 78, 37, 3; 34, 1; 31, 3; cf. Herodian 5, 3, 16.

[7] Dion 78, 28, 2-4; cf. 78, 20, 4.

[8] Dion 78, 27, 2; 29.

deficient food supply,[1] for the troops, once pampered,[2] knew that Macrinus[3] was living in luxury at Antioch. The emperor was despised because the soldiers knew that their disordered condition[4] had forced him to purchase[5] from a successful foe the victory he claimed.[6]

Seeing this situation, Maesa promptly set her agent[7] to work to win the soldiers to her support by promises and bribes.[8] Since the very phenomena of nature[9] united with these advantages, it was not strange that she was able to bring her plans to a successful termination.

[1] Dion 78, 27, 2. [2] Dion 78, 3, 4.

[3] Herodian 5, 2, 7-11; Dion 78, 15, 3.

[4] Dion 78, 27, 1. [5] Dion 78, 27, 1-2; cf. 26, 8.

[6] Dion 78, 27, 3; Herodian 5, 1, 8.

[7] Maesa was naturally (Herodian 5, 3, 18) the one who would be the prime mover in the plot. The Eutychianus named by Dion (78, 31, 1) was in all probability the agent she used in her dealings with the soldiers. Who this Eutychianus was is a question. The one here named is called by Xiphilinus *τις τῶν Καισαρείων*. In 79, 4, 1, Xiphilinus says Eutychianus was called Comazon because he took part in mimes and farces; but in spite of his station, he was thrice consul and twice city prefect. If this were true, he would be P. (M?) Valerius Comazon Eutychianus (P. I. R., vol. 3, p. 355). We know that Comazon was this man's name and that he served in Thrace under Commodus (79, 3, 4). Boissevain states that Eutychianus was a mere lad (vol. 3, p. 438), that the Comazon known from inscriptions could hardly be a freedman of the emperor, hence they can hardly be identical. He would prefer Gannys as the one in mind, since in 79, 6, 1, and 78, 38, 3 he is spoken of as the originator of the plot. Further, Comazon seems to have been a man of influence and worth; if not, why was he made city prefect after the death of Heliogabalus? Reville, op. cit., p. 239, n. 1, says it was Gannys, not Comazon.

[8] The existence of Maesa's fortune (Herodian 5, 3, 22) need not be doubted. Her own sojourn at court, her husband's long official career, and her access to the temple treasures assure it.

[9] Dion (78, 30, 1) mentions an eclipse and a comet.

2. THE PROCLAMATION OF HELIOGABALUS

When the proper time arrived, Maesa and her family set out for the camp which lay near the city.[1] Here, according to the agreement, they were admitted, and at dawn[2] on the sixteenth of May, the elder of Maesa's grandsons (later called Heliogabalus) was proclaimed emperor with the title Marcus Aurelius Antoninus.[3] In anticipation of the trouble sure to follow, preparations for withstanding siege were made.[4] The newly made imperial family meanwhile remained in the camp,[5] a prudent measure since it afforded them protection and kept them in touch with their main dependance, the troops.

It is necessary to digress from the sequence of events at this point in order to establish the date of the proclamation of Heliogabalus. Wirth has chosen to disregard Dion and put the event a month earlier (on April 16) for these reasons:

a. Dion says the war broke out *immediately*[6] after a total eclipse of the sun. Since it can be proved this eclipse occurred April 12,[7] the interval until May 16 is too long to suit Dion's meaning and his phrase ὑπὸ τὰς ἡμέρας ἐκείνας.[8]

b. It is strange that the legions should still be in winter quarters in May.

c. If Dion, while still in Rome,[9] heard of the sedition of Heliogabalus in May, then he did not set out for Perga-

[1] Herodian 5, 3, 23. [2] Dion 78, 31, 4.

[3] Dion 78, 32, 2; Herodian 5, 3, 25.

[4] Herodian 5, 3, 26.

[5] Herodian 5, 3, 24 f.; 4, 4; cf. Dion 78, 31, 4; 34, 1; 32, 2.

[6] Dion 78, 30, 1. The "immediately" is Wirth's own version of the story, Quaestiones Severianae, p. 40.

[7] Oppolzer, Canon d. Finsternisse in Denkschr. d. Wiener Acad. d. Wissensch., math.-natur. Klass., vol. 52 (1887), p. 138; cf. Wirth, op. cit., p. 15.

[8] Dion 78, 30, 1. [9] Dion 78, 38, 2.

mon[1] before June. In that case he would have heard of Macrinus' defeat on the road, and not from a report sent to the senate. Since he probably remembered reaching Pergamon before the battle on June 8, and also recalled that in sending ambassadors and preparing for war more than a month was consumed, he put the defeat of Macrinus in July.[2] Wirth therefore concludes that the war between Macrinus and Heliogabalus began April 16 and lasted nearly two months. The correction Ἰουνίου for Ἰουλίου, which is found in the manuscripts, is wrong. Dion wrote carelessly from memory, hence his statement may be set aside.

This theory will not hold. If one assumes that Heliogabalus was proclaimed emperor April 16, the implication is that, in a time of excitement, the troops chose a child, not an able commander in whom they had confidence. The eclipse of the sun was without doubt made use of by the priesthood of Elagabalus[3] to support the lad's cause, but could such effective use be made of it within three days? There is nothing in the Greek to justify the use of *statim* by Wirth; Dion's phrase implies an indefinite time. Since the troops were absent on the Parthian campaign during the winter,[4] these camps could hardly be called winter quarters. Further, we are expressly told that the length of time spent in these encampments was unusual.[5] Wirth's whole argument about the presence of Dion in the senate

[1] Dion 78, 20, 4; 79, 7, 4.

[2] One manuscript reads July, not June (Dion 78, 39, 1), but Ἰούνιον is found in Reimar's collation which is cited in this place by Boissevain. Wirth is then wrong in attributing this to Bekker, whose edition appeared a century later; cf. Foster, Dion's Rome, vol. 1, pp. 21 and 23.

[3] Dion 78, 31, 1.

[4] Dion 78, 26, 8.

[5] Dion 78, 27, 2.

when the news of this event was received rests on the use of a verb in the first person plural.[1] How far this is wise is doubtful. Dion gives no idea of the time spent in preparation for war. The emperor, the pretender, and the troops were all within 123 miles, and events would naturally move with rapidity. Setting aside all these reasons, there is an insurmountable barrier to accepting Wirth's date. Within the last few years an inscription was found in the Elephantine island[2] which explains a passage in Dion[3] long obscure. From his words one could not tell whether he meant that Basilianus was made prefect of Egypt or praetorian prefect. Since it is now known that his predecessor in Egypt was Valerius Datus,[4] it is clear that Dion here refers to the praetorian prefecture. Now the death of Julianus, the predecessor of Basilianus in that office, occurred soon after the proclamation of Heliogabalus.[5] Since the rebellion promised to be serious, his successor would naturally be appointed and summoned to his post of duty at once. According to Dion,[6] Basilianus was still in Egypt when news of Macrinus' death came, early in July.[7] If Wirth is right such delay is inexplicable; on the contrary, if we keep Dion's date, news of his appointment would reach Basilianus late in May. Soon after would come the news of the defeat of Macrinus. Under these circumstances, Basilianus would naturally wait to hear

[1] Dion 78, 38, 2.

[2] Acad. Inscript. et Belles Let., 1905, p. 73 M(arco) Opellio Antonino | Diadumeniano, nobilissimo | Caesari, principi iu(v)entutis, | Aug(usti) n(ostri) filio, sub Julio | Basiliano, praef(ecto) Aeg(ypti), etc.

[3] Dion 78, 35, 1; cf. Meyer, Die Praefecti Aegypti im II Jahrh., Hermes, vol. 32 (1897), p. 232.

[4] Acad. Inscrip. et Belles Let., 1905, p. 75.

[5] Dion 78, 34, 4; Herodian 5, 4, 5.

[6] Dion 78, 35, 3. [7] Cf. p. 57.

from his chief, hence his presence in Egypt in July. For these reasons Dion's date, May 16, is accepted.

It is clear that the revolt of Heliogabalus was a complete surprise to Macrinus who seems to have greatly underestimated [1] the strength of the rebels. Either to save time or because of his contempt for a woman's plans, he left his prefect, the Julianus [2] mentioned above, to take the initial step.

After having put to death [3] some whom he suspected of being sympathizers with the rebels, Julianus proceeded against their camp. On the first day [4] he was successful since his troops were friendly to Macrinus, their fellow Moor.[5] This advantage was lost by the commander's decision to wait until morning before renewing the attack. During [6] the cessation of hostilities, the party of Heliogabalus was not idle. While some strengthened the fortifications, others won over the troops of Julianus by two clever tricks. They appealed to the soldiers' loyalty to [7] Caracalla by pointing out the lad's resemblance to [8] him and proclaiming [9] the relation he was said to bear to the

[1] Herodian 5, 4, 3. [2] Dion 78, 31, 4; Herodian 5, 4, 3.
[3] Dion 78, 31, 4; 34, 1. [4] Dion 78, 32, 1.
[5] Dion 78, 27, 1. [6] Dion 78, 32, 2. [7] Dion 78, 32, 2.
[8] Compare the cuts of the obverse types of coin 8 p. 324 and coin 1 p. 243 in Cohen, vol. 4.

[9] The story that Heliogabalus was the son of Caracalla, Klebs (Das dynastische Element in der Geschichtschreibung der roem. Kaiserzeit, Hist. Zeitschr., N. F., vol. 25, 1889, p. 226) attributes to the desire to continue the succession. The use of this shows Maesa's touch, so also does the attempt to accentuate the family resemblance between Heliogabalus and Caracalla by dressing the former in the clothing his cousin had worn as a boy. Maesa could easily obtain these garments or instructions for duplicating them from Domna. Who but these two women would be likely to have accurate knowledge on this point?

soldiers' favorite ruler. They appealed to their cupidity by promising the restoration[1] of Caracalla's indulgences to the troops and showing their purses full of Maesa's money.[2] Such inducements could not be withstod. The troops of Julianus having massacred their officers, went over to the enemy. Julianus himself, though he was able to escape at first, was later hunted out and killed and his head sent to Macrinus.[3]

News of Julianus' defeat roused Macrinus from his lethargy. Having set out from Antioch,[4] evidently to support some one of his subordinates, he came to Apamea. Since he wished some excuse for strengthening his position among[5] the soldiers of the second Parthian Legion who were stationed there, he made his son, Diadumenus, already Caesar,[6] associate emperor. By the gifts usual on such an occasion and[7] by the restoration of the favors which Caracalla had given them, he hoped to turn the troops from their natural inclination toward the family of Severus.[8] While Macrinus was presiding over the festivities[9] attendant upon the event, a soldier brought him the head of Julianus. Seeing in this ghastly trophy an indication of the strength of the enemy, he hastily returned to Antioch.[10] The troops at Apamea, reassured by the success

[1] Dion 78, 33, 2.
[2] Herodian 5, 4, 4.
[3] Dion 78, 32, 3-4; cf. 34, 4.
[4] Dion 78, 34, 1.
[5] Dion 78, 34, 2.
[6] Schiller, op. cit., p. 761.
[7] Dion 78, 34, 2-3.
[8] This legion was one of those enrolled by Severus. Contrary to all precedent, he established this one on the Alban hill. On this account, they are called, as here, the Albanians; cf. Dessau, Inscr. Sel., vol. 2, pt. 2, no. 8877.
[9] Dion 78, 34, 4. [10] Dion 78, 34, 5.

of the rebels and the terror of Macrinus, at once went over to Heliogabalus.

The time of these events can not of course be accurately determined. It is, however, safe to infer that they occurred late in May. That the time of Diadumenus' elevation to the imperial power must have been late is shown by the extreme scarcity of evidence[1] on the point. Aside from the story told by Dion, there are coins which give the lad the title Imperator. Of these two were struck at Antioch,[2] the other, at Thyatira.[3] That he was not emperor during all of 218 is clear from a coin from Cibyra in Phrygia[4] on which he appears with the title Caesar.

3. THE BATTLE BETWEEN MACRINUS AND HELIOGABALUS

When Macrinus shut himself up in Antioch after his return from Apamea, he virtually left the field to his adversary. Heliogabalus was not long in bringing matters to a crisis. Taking his forces,[5] he advanced so rapidly that he arrived within twenty miles[6] of Antioch before Macrinus could meet him. In the ensuing battle, the greatest

[1] Inscriptions do not give any information on the subject. In C. I. L. III, 3720, 5708, 5728, 10629, and 10644, Diadumenus, because of his association with his father, shares the title Augustus. This is, in part, due to the increase in the number of titles given to the Caesars of the third century, Mommsen, Roem. Staatsrecht, vol. 2, ed. 3, p. 1164.

[2] Hunterian Collection, vol. 3, p. 174, nos. 242 and 245.

[3] Brit. Mus. Cat., Lydia, p. 312, no. 110.

[4] Hunt. Coll., vol. 2, p. 482.

[5] Dion 78, 37, 3.

[6] Herodian 5, 4, 10 says on the border of Phoenicia and Syria. Syria was at this time divided into two provinces, Syria Coele and Syria Phoenice. It is to this Herodian refers; cf. Marquardt, Staatsverw., vol. 1, p. 423. Such a confusion in naming provinces would be very natural.

strength of Macrinus lay in his praetorians.[1] The valor of the common soldiers in both armies seems[2] to have fluctuated. Even though the forces of Heliogabalus may have been inferior, he was able to spur them on by his own bravery[3] to hold back the enemy until evening.[4] At this time, the forces of Macrinus learned that their commander, terrified by the vigorous[5] attack of their opponents, had fled[6] some time before. Disgusted at his cowardice, and won[7] by promises of indemnity and preferment, they went over to Heliogabalus.

This victory[8] not only made Heliogabalus practically ruler in the East, but increased his hope of complete success. The chief obstacle in his way lay in the fact that Macrinus and his son were still alive and at large. While much could be done to win the allegiance of other parts of the empire through the agents, whom the advisers of Heliogabalus would send out, prompt action was necessary to prevent Macrinus from rallying his forces.[9] Accordingly as soon as his flight was made known, pursuers[10] were sent to arrest the fugitives. In the meantime, as if complete success were assured, Heliogabalus assumed the imperial titles while his advisers undertook the control of the affairs of state. Maesa's bold attempt had succeeded beyond all hope.

[1] Dion 78, 37, 4; Herodian 5, 4, 14.
[2] Dion 78, 38, 4; Herodian 5, 4, 11.
[3] Dion 78, 38, 4.
[4] Herodian 5, 4, 12.
[5] Dion 78, 38, 4.
[6] Herodian 5, 4, 12-13.
[7] Herodian 5, 4, 14-18.
[8] It is thought that C. I. I. VIII, 7963 refers to this victory; cf. Cohen, vol. 4, p. 331, no. 69, and p. 334, no. 108.
[9] Dion 78, 39, 4; Herodian 5, 4, 22.
[10] Dion 78, 39, 6; Herodian 5, 4, 18-19.

II. HELIOGABALUS ENTHRONED

1. THE FATE OF MACRINUS

From the field of battle, Macrinus went first to Antioch[1] to make preparations for his flight to Rome. Here to facilitate matters, he gave out that victory was his. Later in the night when stragglers brought in the news of the success of Heliogabalus, the streets were so filled with bloodshed that Macrinus became alarmed for his personal safety. Since the situation in the East seemed hopeless, he disguised himself[2] as a private citizen and fled under cover of darkness.

From Antioch he went to Aegae in Cilicia,[3] thence by public post conveyance through Cappadocia, Galatia, and Bithynia, making Eribolus his objective point since Nicomedia was closed to him by the presence of Caecilius Aristo, a partisan of Heliogabalus.[4]

This route corresponds so closely to that laid down in the Itinera Hierosolymitana,[5] that from the figures given there and by a measurement of the distances on the maps, it is possible to estimate the distance actually travelled by Macrinus at 750 Roman miles. Inasmuch as haste was of vital importance, it is safe to assume 130[6] Roman miles per day

[1] Dion 78, 39, 1.

[2] Dion 79, 39, 2; cf. Herodian 5, 4, 12.

[3] Dion 78, 39, 3; Herodian 5, 4, 13.

[4] Dion 78, 39, 5.

[5] Itinera Hierosolymitana, Geyer's edition, Vienna, 1898, pp. 8 ff. The distances throughout this computation are based on the figures given in the itinerary, supplemented by measurements on the maps for the distances between Ariminum and Aquileia and Antioch and Emesa. The distances obtained by measurement agree closely with the figures drawn from the itinerary.

[6] Friedlaender, Sittengeschichte Roms, vol. 2, ed. 5, p. 18.

as the rate of travel. He would reach Eribolus then about June 15.

We are told that from Eribolus he started for Calchedon.[1] Before he could leave Asia, however, he was overtaken by the pursuers sent by Heliogabalus. They were assisted in finding the fugitive by the treachery[2] of one of the procurators to whom Macrinus had sent for money. The delay[3] which he seems to have suffered at Calchedon may well have been due to the failure of the attempt, of which Herodian[4] tells us, to cross to Byzantium in the teeth of an adverse wind. It is not possible to gain any idea of the time spent on the journey from Eribolus to Calchedon; still, since time was so important for both sides, Macrinus was probably captured about June 17. The news of this event, which would naturally be taken to Rome as soon as possible, would reach the capital, 1511 miles distant, in a little over 11 days or about June 28.

Having accomplished their mission, the agents of Heliogabalus started back to Antioch[5] with their captive. By the time they reached Cappadocia, they received news of the arrest and execution of Diadumenus, whom his father had sent[6] to the Parthian king for protection. The knowledge that his last hope was destroyed so affected the unhappy father that he hurled himself down from his chariot[7] in the hope of ending his life and thus escaping from his overwhelming misfortunes.

[1] Dion (78, 39, 5), by sea to save time and to avoid Nicomedia.

[2] Dion 78, 39, 5.

[3] Ibid. *κατελήφθη τε ἐν τῇ Χαλκηδόνι ἔτι ὤν.*

[4] Herodian 5, 4, 23.

[5] Dion 78, 39, 6.

[6] Dion 78, 39, 1; P. I. R., vol. 2, p. 36, says in care of Epagathus.

[7] Dion 78, 40, 1. Macrinus not only failed to accomplish his purpose, but added a broken shoulder to his miseries.

Fortunately, Macrinus had a quick relief from his burden of physical and mental torment, for at Archelais,[1] 75 miles from the frontier of Cappadocia, his captors received orders for his execution.

While it might not be possible to maintain the same high rate of speed on the return trip to Antioch, still Macrinus must be gotten out of the way before his sympathizers could rally. Putting the rate of travel then at about 120 miles per day, the 466 miles from Calchedon to Archelais would require at least four, possibly five days. Adding this to June 17, gives June 21 or 22 as the date of the execution of Macrinus.

If news of this were carried at once to Rome, and sent to Heliogabalus in Antioch, it would reach the former city, 1977 miles distant, about July 7 or 8, while Heliogabalus would hear of it June 24, or 25. On receipt of the news of his opponent's death, Heliogabalus would naturally send an official announcement thereof to the senate. Even if this news travelled at the rate of 130 miles per day, it could not cover the 2281 miles in less than seventeen to eighteen days. It would then reach the city about July 12 or 13.

Although these dates are hypothetical, they are in a way supported by epigraphic evidence. In the record of the Arval brothers for 218,[2] is a full account of the action taken by the brotherhood during that time. From this, we learn that between May 30 and July 14 of that year, there were three meetings. At all of these meetings, that body was concerned with the admission of Heliogabalus to mem-

[1] This statement is not found in Dion or Herodian, but may be traced back to Eusebius; cf. Schoene's ed., vol. 2, pp. 178 and 216. It is common in the works of later writers, many of whom derive it directly or indirectly from that source.

[2] C. I. L. VI, 2104, pt. 2, lines 21 ff.

bership. A comparison with other cases of the admission of an emperor shows that this was unusual. The explanation for it must then be sought in the history of the times.

The first of these ceremonies is known in the inscription as the *precatio cooptationis*. The formula[1] here used is in no way like that usual in cases of admission of the new member, but is a solemn form of entreaty. Out of nineteen cases[2] of a somewhat similar formula preserved to us, seventeen can be either positively or probably attributed to the day in early January[3] when the time of the annual festival[4] which the Arvals held in May of each year was fixed with due solemnity. The other two occur in the records[5] of the years 87 and 90 on the occasion of the taking of the annual vow for the safety of the emperor and his family. In these, only the words *quod bonum faustum felix salutareque sit* are used. The instance of the use of this formula which is before us is peculiar both in employing the words *parentibus, liberis coniugibusque nostris,* found in none of the other passages resembling this, and in its use on such an occasion. It would seem then that the situation was felt to be one of peculiar solemnity, possibly even of great danger. What could cause such uneasiness?

To answer the question, it is necessary to determine the date of this meeting. It is not possible to think that the

[1] Henzen, Acta Fratrum Arvalium, pp. 150 ff.

[2] Henzen, op. cit., pp. 219 ff. The index gives 18 cases, the supplementary collection 2 more. There are 5 other cases so mutilated as to be of no use here.

[3] Henzen, op. cit., p. 4.

[4] Henzen, op. cit., pp. 10 ff.

[5] Henzen, op. cit. pp. cxvi and cxxiv. The question whether or not the revolt of Decebalus in 86 and the disturbance raised by the pretender Nero in 89 had anything to do with the use of the formula in these places is worth considering.

ceremony occurred May 30, for the news of the proclamation of Heliogabalus could not yet have reached the city. Further, we know that this intelligence was received with hostile demonstrations.[1] The presence of the emperor with so large an army on the scene of the rebellion naturally allayed any anxiety which the people felt in regard to the matter. The form in which the record was preserved also indicates a change of date. An investigation of all the meetings listed in Henzen's index[2] up to and including the year 218, shows that in 132 cases of change of date the line which contained the date was set over a little into the left hand margin; in 164 cases not so treated, in which often the date, as here, stood in the middle of the line, the following line, as in this case, was set over into the margin. Only 36 cases, all but 5 prior to 78 A. D., were found where a change of date was not indicated in one of these two ways.[3]

We have a right to infer the presence of the date here, for it was the custom of the Arvals to record such dates. Out of 375 different meetings listed in Henzen's index, 296 were clearly dated. While some are mutilated so that the presence of the date could not always be determined, only

[1] Dion 78 38, 1, war was declared against Heliogabalus and his family.

[2] Henzen, op. cit., pp. 219 ff.

[3] The evidence is not absolutely conclusive, for other items are sometimes thus indented. The list of the members present is set over into the margin in some 78 cases, all prior to 161; prayers addressed to the gods were set over in some 50 cases; the name of the emperor was sometimes similarly treated. Of the 20 cases of the formula *quod-sit* mentioned above, when, as here, the formula begins with the line, 12 are set over into the margin, 5 are not, while in the other 3 cases the formula begins in the middle of a line and is not set over. Even though it may have been usual to treat this formula thus, the custom does not explain the traces of a word found in line 21 of the record for 218.

one[1] is cited as having had no date. The same predominance of dated records is seen in the supplementary collection,[2] but here the material is too fragmentary to reduce to definite figures.

It is possible to insert a date at this point without trouble because a fracture of the stone has destroyed the first part of the record under discussion. The last words of the inscription for May 30 were *felic. dixer..?* From a comparison of this with the other places[3] in the transactions for this year where these words occurred, it seems probable that when one of these words was abbreviated the other was also. We may then infer that the record of May 30 closed with the word *dixer.* A careful measurement of the broken part and a comparison of this with the succeeding lines show that in the vacant space, counting each letter and each space between words as a unit, 18 or 19 units could be accomodated. Deducting from the more conservative number 18 the two space units necessary at either end, and the two units necessary to supply the beginning of the word [*pr*]*ecatio,* leaves 14 units available.

By June 26,[4] the Romans probably knew of the defeat of Macrinus. This would naturally cause general uneasiness and alarm, and encourage the partisans of Maesa. Within a few days, probably not far from June 28, news of the capture of Macrinus at Calchedon would be likely to reach the city. The assurance which this would give to the friends of the rebel faction and the demonstrations of the praetorians, who seem to have sympathized with Heliogabalus,[5] would add to the feeling of apprehension. The

[1] For the year 80 A. D.

[2] C. I. L. VI, 4, ii, nos. 32338-32398.

[3] Pt. 1, line 16, *felic. dixer.*, pt. 2, line 29, f||li|ia|||erunt, and this case.

[4] Cf. page 56. [5] Dion 79, 2, 3.

timid *precatio cooptationis* is filled with the spirit of just such a time as this, and furnishes another example[1] of the way in which the Arvals trimmed their sails to the blasts of imperial favor and urgent necessity. Returning to the available 14 units, it is clear that the date *iiii Kal. Jul.* (June 28) could easily stand in this space, or if one preferred *vi Kal. Jul.* (June 26) might be taken; either would fit the situation at Rome.

The second entry is the regular formula used in the admission of a new member.[2] There are the same reasons for inferring a change of date[3] in the case of this entry as in that of the preceding. We also know that this record does not belong to July 14 for there is no reason why the date should be given twice in the record of the same meeting. The Arvals did not admit Heliogabalus on July 14, but merely took vows for his safety. This is the more remarkable because on that date he was taken into other collegia.[4] Since a new emperor was generally admitted into all these organizations on the same day, there must have been some good reason for the violation of the custom in this case; what better than that Heliogabalus had already been taken into membership by the Arvals? A new emperor not already a member of the college, would be admitted to the place of his predecessor.[5] It is then clear that by the time this action was taken, the Arvals knew of the death of Macrinus.

[1] The other instance is, as Professor Drake has shown, in the records of 213. The Arvals, to win favor with Caracalla, give him the title Germanicus in May, which is not found in the record of their August meeting, and was not confirmed in due form until October; cf. Amer. Jour. Phil., vol. 20 (1899), pp. 56-58.

[2] Henzen, op. cit., pp. 151 ff.

[3] Cf. p. 59.

[4] C. I. L. VI, 2001, 2009. [5] Henzen, op. cit., pp. iii.

Before this record also is a fracture in the stone, which leaves a space for 16 units. As was said above,[1] if Macrinus were put to death about June 22, the announcement of this fact, if brought directly from Archelais to Rome, would reach the city about July 7 or 8. Deducting from the 16 units the two space units at either end, and the six units for the word *Iulias*[2] which seems to have been written out in full, we have 8 units available. If these are filled in on the basis of the hypothesis of the date given above, *viii id. Julias,* we have 16 units, precisely what the space admits.

This ceremony of admission seems to have been hastily performed; probably almost immediately after the receipt of the news of the death of Macrinus in order to ensure the safety of the brotherhood. From the presence of the words[3] *detulit Primus Corne*[*lianus pub*]*li*(*cus*) [*a*] *comm*(*entariis*) *fratr*(*um*) *Arv*(*alium*), Henzen infers[4] that a messenger was sent to inform Heliogabalus of his admission. This then would be but another indication of the anxiety of the brotherhood to please their new sovereign and to satisfy his supporters in Rome.

The record[5] of the last meeting of the Arvals which is concerned with the admission of Heliogabalus has its original date, July 14, preserved. The brotherhood was here occupied with business which was clearly supplementary to that transacted July 8 (?), the taking of the annual and decennial vows for the emperor and other ceremonies in his honor. The fact that these ceremonies committed the Arvals fully to the side of Heliogabalus, together with his admission[6] to two other collegia on the same day, leads

[1] Cf. p. 57. [2] Henzen, op. cit., p. ccvi, line 26 and n. 15.
[3] Henzen, op. cit., p. ccvii, line 30.
[4] Henzen, op. cit., p. 157.
[5] Henzen, op. cit., p. ccvii, lines 31 ff.
[6] C. I. L. VI, 2001 and 2009.

one to think that these are the result of Heliogabalus' official announcement[1] of his accession which must have reached Rome about July 12 or 13.

2. THE ACCESSION OF HELIOGABALUS AND THE ESTABLISHMENT OF HIS POWER

Heliogabalus could not wait for complete assurance of the fate of Macrinus before assuming the imperial power. Accordingly, on the night of June 8,[2] after the surrender of the opposing forces, the victors started for Antioch. Here Heliogabalus made his triumphal entry on the following day. By levying upon the people a sum of money sufficient to give each soldier 500 drachmae, the new emperor was able to restrain the troops from pillaging the city. Here he set up his temporary capital. Because of his youth and inexperience, the management of affairs was undertaken by Maesa and her advisers.[3] Heliogabalus in the meantime devoted himself to the duties of his priesthood.[4]

One of the first acts of the new government would naturally be to send to Rome the formal announcement of its organization and policy. Dion[5] tells us that such letters were sent to the soldiers, the senate, and the people, each so constructed as to put before these different bodies the inducements best calculated to win their support. All alike promised that the government[6] would be conducted according to the example of Augustus, who also had succeeded to the imperial power when but a boy, and of Marcus

[1] Dion 79, 1, 2, ff.
[2] Dion 79, 1, 1.
[3] Herodian 5, 5, 1.
[4] Herodian 5, 5, 4-8.
[5] Dion 79, 1, 2.
[6] Dion 79, 1, 3.

Aurelius of beloved memory. The letter to the senate was a skillfully constructed appeal to that body's pride. Assuming that his claim of being the son of Caracalla[1] assured his rank, Heliogabalus dwelt on the presumption of Macrinus, a man of humble origin,[2] in taking precedence of the senators, when he had never been senator[3] himself. At the same time, he claimed to have inflicted a just punishment on the traitor who took the life of the ruler whom he was sworn to protect. Along with this, Heliogabalus sent copies of the letters written by his predecessor to Maximus,[4] the city prefect, in which the vacillating character of Macrinus was doubtless disclosed. Copies of these letters were also sent to the soldiers, along with an account of the risks which their fellows had incurred both in proclaiming the lawful ruler, and in seating him on the throne. This appeal to their loyalty was, doubtless, so interwoven with glittering promises as to be practically irresistible.

One of the most diplomatic strokes was the introduction of the imperial titles which Heliogabalus had assumed.[5]

[1] Note the coin of Heliogabalus inscribed "Nobilitas," Cohen, vol. 4, p. 335, no. 119. There are also two inscriptions, C. I. L. VIII, 8322 and 10347, which some think may refer to Heliogabalus, in which the ancestry of the emperor is traced in the one case back to Antoninus Pius, in the other to Trajan and Nerva; cf. Dessau's comments (Bulletino dell' Inst. Arch., 1880, pp. 203 ff.) on this, and Domaszewski, Religion d. roem. Heeres, Trier, 1895, p. 76.

[2] Dion 78, 11, 1; cf. 79, 1, 2.

[3] Herzog, Geschicht u. System, vol. 2, p. 478, n. 2, says that as praetorian prefect Macrinus had senatorial rank; cf. Schiller, op. cit., p. 756, n. 6; Dion 78, 41, 4; 79, 1, 2.

[4] Dion 79, 2, 1.

[5] Dion 79, 2, 2. We are told (8, 2) that Heliogabalus wrote three letters to the senate before he took the title consul. If the omission of that title in the list which Dion gives in this place is intentional, this was probably one of the number. If

His presumption in doing this without the vote of the senate, coupled with the knowledge that if they hesitated the praetorians[1] would compel obedience so overawed the senators that they accepted Heliogabalus with outward joy and inward rage and humiliation. They were not only forced to praise the hated Caracalla, and express the hope that his son would be like him, but to dishonor Macrinus[2] whom, by contrast with Caracalla, they really liked.[3]

While the acceptance of the new emperor might, as in this case, be forced upon the senate, the greatest danger which threatened to undermine the continuance of his power would lie in the rival claimants sure to make their appearance in the troubled condition of the state. This danger could be most certainly and most quickly averted by the establishment of peace throughout the empire. It is not strange then that the new government took prompt measures to re-establish the state on a sound basis. This was especially necessary because the conflicting reports[4] sent out by the two parties had resulted in so much uneasiness in the different provinces. Since there are no records which are chronologically exact for this period, the best that can be done is to discuss the events of the early part of the reign by subjects.

One of the first countries to be affected by the change was Egypt.[5] The soldiers in that country naturally favored

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an inference based on the words Imp. D. N. Antonino Cos. found in an inscription set up at Moguntiacum in Upper Germany, July 23, 218 (C. I. L. XIII, 6696) is conclusive, Heliogabalus took this title shortly after his accession.

[1] Dion 79, 2, 3, cf. 78, 17, 1-4.

[2] Dion 79, 2, 5-6. Traces of this condemnation are seen in the erasure of Macrinus' name in inscriptions C. I. L. VI, 367; cf. III, 12733.

[3] Dion 78, 15, 2; 18, 3-4; cf. 39, 4.

[4] Dion 78, 34, 6-7. [5] Dion 78, 35.

Heliogabalus, though the people of Alexandria at least had welcomed Macrinus in place of the hated Caracalla,[1] and opposed another of the same[2] family. Basilianus[3] and Secundus,[4] the officers in charge of the government, were loyal to Macrinus and put to death the messengers of Heliogabalus. In consequence of this division of feeling, when the news of the death of Macrinus arrived, the people broke out in open rebellion,[5] which was not crushed until many of both parties had lost their lives. Basilianus vainly attempted to save his life by flight, but was captured in Brundisium and later put to death.

Among others who lost their lives in consequence of the revolution, besides the most ardent supporters of Macrinus at Rome,[6] were the commanders of the cavalry who served under him, and the remaining praetorian prefect, Julianus Nestor.[7] Besides these, many perished who had held office under Macrinus. Among these were Fabius Agrippa,[8] governor of Syria, Pica Caerianus,[9] governor of Arabia, who did not at once come over to the side of the new ruler; Aelius Decius Triccianus,[10] who had treated the pampered second Parthian legion so harshly that his death was necessary to conciliate the troops; and Castinus[11] who, after having been a friend and officer of Caracalla's, had accepted

[1] Dion (77, 22 and 23) tells of the brutal massacre of the people of Alexandria by Caracalla.
[2] Milne, History of Egypt under Roman Rule, p. 73.
[3] Cf. p. 50 above, and Dion 78, 35, 1 and 3.
[4] Dion 78, 35, 1 and 3.
[5] Dion 78, 35, 2.
[6] Dion 79, 3, 4.
[7] Dion 78, 15, 1; 79, 3, 4; P. I. R., vol. 2, p. 158, 66.
[8] Dion 79, 3, 4; P. I. R., vol. 2, p. 44.
[9] Dion 79, 3, 4; P. I. R., vol. 3, p. 39.
[10] Dion 78, 13, 3-4; 79, 4, 3; P. I. R., vol. 1, p. 15.
[11] Dion 79, 4, 3; P. I. R., vol. 2, p. 213.

an appointment under Macrinus. Since opportunity was also given to remove those who were displeasing to the new government, Claudius[1] Attalus lost his life because he had formerly offended Comazon.

There was also considerable uneasiness among the legions, several of whom thought the opportunity a good one for putting some favorite officer on the throne. In the number of those who perished on this account were Verus[2] and a certain centurion's[3] son successively proclaimed by the third Gallic legion[4] and Gellius[5] Maximus chosen by the fourth Scythian legion. Many of private[6] rank even were so bewildered by their love for power that they tried to stir up rebellions among the troops and the fleet.[7]

From inscriptions on coins it is clear that Tyre suffered some loss of prestige under Heliogabalus. Under Septimius Severus,[8] the city had been made a "Colonia" with the title "Septimia Metropolis;" since these titles do not appear on the coins of that city under Heliogabalus, it is inferred that the people sympathized with Macrinus.[9] Sidon, on the contrary, obtained from the new ruler the rights of a "Colonia" and the title "Metropolis."[10] To

[1] Dion 79, 4, 3; P. I. R., vol. 1, p. 350.

[2] Dion 79, 7, 1; P. I. R., vol. 3, p. 406. [3] Dion 79, 7, 3.

[4] In some inscriptions (cf. C. I. L. III, 206) the name of this legion was erased, probably on this account. Wilmanns (Exempla, 1466) says that a great part of the soldiers were transferred into the third Augustan Legion; cf. Henzen, Bull. Inst. Arch., 1865, p. 58. Strangely enough the name of this legion is found on coins of Tyre and Sidon (Cohen, vol. 4, pp. 363, no. 401; 368, no. 450) struck under Heliogabalus.

[5] Dion 79, 7, 1; P. I. R., vol. 2, p. 115.

[6] Dion 79, 7, 2 f.

[7] Dion 79, 7, 3.

[8] Hunt. Coll., vol. 3, p. 269.

[9] Eckhel, D. N. V., vol. 3, p. 387.

[10] Eckhel, D. N. V., vol. 4, pp. 280 and 329.

this it is thought the inscription AETERNUM BENIFICIUM [1] on coins of that city struck under the reign of Heliogabalus refers.

Profiting by the mistake of Macrinus, the new government promptly sent the troops gathered by Caracalla for the Parthian war back to their quarters.[2] This was a prudent measure for it not only gave the soldiers something to do beside stirring up strife, but made it possible to bring them under good discipline more promptly without resorting to enormous gifts, a disastrous proceeding in the impoverished financial condition of the empire.

The lessening of the empire's productive power by the plague of 167, the extravagance of Commodus, the vast enterprises of Severus, and Caracalla's misguided liberality to his soldiers had all combined to overtax the revenues. To the existing troubles the reign of Macrinus had added its own burden. Although the revenues did not pay expenses,[3] the emperor squandered the money he found in the treasury. Because of his inability to defeat the Parthians, he imposed upon the state the double expense of maintaining the army in the field and buying peace from the enemy.[4] His abolition of the taxes [5] which Caracalla had imposed on inheritances and manumissions, while popular, lessened the income of the state considerably. The attempt which Macrinus made to offset these burdens by reduc-

[1] Cohen, vol. 4, p. 366, no. 426; p. 379, no. 27.

[2] From C. I. L. III, 3344 we know of the return of a detachment of the second legion Adiutrix Pia Fidelis to its garrison in Panonia. C. I. L. VIII, 2564 set up in 218, probably (Heliogabalus has the titles Trib. Pot. Cos.), mentions the return of part of the third Augustan legion to its station at Lambesa; cf. Cagnat. L'armée romaine d'Afrique, Paris, 1892, p. 164.

[3] Dion (Boissevain, vol. 3, p. 463), Exc. Vat. 410.

[4] Dion 78, 27, 1 and 2; cf. 26, 1.

[5] Dion 78, 12, 2.

ing[1] the pay of the soldiers had resulted too disastrously to commend itself to the new administration. Some other means of meeting the emergency must be devised.

According to a statement which Hydatius[2] has drawn[3] from the Consularia Constantinopolitana,[4] Heliogabalus burned the records of indebtedness to the fiscus which had accumulated, probably since[5] 176. The story runs that these were so numerous that it took thirty days to complete the destruction. If the story is true, it shows the government's recognition of the hopelessness of collecting these claims, and their desire to conciliate the public. From this point of view, it was certainly a wise step.

From the analyses[6] of a considerable number of coins issued at different times during this reign, it seems fairly clear that the government increased its volume of credit money by depreciating the standard of the currency. The gold[7] at this time was generally pure. The aureus, which Caracalla reduced to 6.55 gr. in 215, Heliogabalus kept at about this weight, thus lowering it again from Macrinus' standard 7.3 gr. Silver money[8] fluctuated in weight. Some of the coins of Heliogabalus show as high a percentage of pure metal as 0. gr. 750, others, as low as 0 gr. 428.

[1] Dion 78, 28, 2; 36, 2-3.

[2] Hydatius, Migne, Pat. Lat., vol. 51, p. 904; cf. Schiller, op. cit., p. 764.

[3] Mon. Germ. Hist., Auct. Antiq., vol. 9, p. 201. Before 395 everything in Hydatius which does not deal with Spanish affairs is drawn from this consular list.

[4] Mon. Germ. Hist., Auct. Antiq., vol. 9, p. 226.

[5] Dion 72, 2, Boissevain, vol. 3, p. 272.

[6] Mommsen, Histoire de la Monnaie romaine, vol. 3, pp. 61 ff. gives these analyses; cf. Num. Zeitschr., vol. 19 (1887), pp. 53, 57, 68, and 97.

[7] Mommsen, op. cit., pp. 61 and 67.

[8] Mommsen, op. cit., p. 85.

The Antoninianus,[1] though struck at this time, was not so common as the denarius. The weight of the sestertius[2] remained fixed from Augustus to Heliogabalus.

In this connection it will be well to mention an interesting type found on the coins both of Heliogabalus[3] and of other members[4] of the imperial family. It shows the three forms of money standing, each holding a balance and a horn of plenty; before each is a pile of pieces of metal. The coins bear the inscription AEQUITAS AUGUST. or AEQUITAS PUBLICA. The interpretation is disputed. Froehner[5] thinks they represent a pledge to keep the standard of the currency unaltered. If so, they bear directly on the case in point. Eckhel,[6] Mommsen,[7] and Kenner,[8] however, think that these coins are to be connected with the distributions of money to the people on the occasion of the accession of these rulers.

Another thing of vital importance to the new government would be the appointment of the new officers. Since the chapter[9] which Dion devotes to this has been badly mutilated, it is not possible to give any details on the sub-

[1] Mommsen, op. cit., p. 71; cf. Schiller, op. cit., p. 752.

[2] Mommsen, op. cit., p. 40. The Hunt. Coll., vol. 3, p. 177, speaks of a marked change in the size of bronze coins issued at Antioch during this reign.

[3] Cohen, vol. 4, p. 324, nos. 8-11.

[4] Cohen, p. 376, nos. 1-3; p. 380, no. 1; p. 387, no. 1; p. 391, no. 1; none is given for Annia Faustina.

[5] Froehner, Les Medaillons de l'Empire romain, p. 165.

[6] Eckhel, D. N. V., vol. 7, p. 317.

[7] Mommsen, op. cit., vol. 3, p. 69.

[8] Kenner, Num. Zeitschr., vol. 18 (1886), pp. 17, 24, and 26. The coins with the inscriptions Aequitas Augusti and Moneta Augusti are analogous, and are connected with the largesses to the people. With Hadrian begins the type Liberalitas with the numeral, but the figure of the type is often similar to this.

[9] Dion 79, 3, 1.

ject. It is, however, clear that Marius Maximus,[1] whom Macrinus had appointed city prefect, was not only not removed from his office, in the early part of the reign of Heliogabalus, but apparently left undisturbed until after the return of the court to Rome.

Among other things which were carried out in the name of Heliogabalus for the good of the people, was some measure relative to the grain supply. In honor of this provision, the coins inscribed ANNONA AUGUSTI,[2] were struck.

3. THE WINTER AT NICOMEDIA

The great amount of business which had to be performed, together with the troubled condition of the empire, had united to detain the court at Antioch longer than they would otherwise have remained. It was necessary that they should reach Rome as soon as possible, not only because that city was the natural center of the government, but also for the reason that the tide of public favor might turn against the new ruler if he did not reach his capital promptly. Accordingly, some months after the battle of June 8,[3] the imperial family started for Rome.

For many reasons the journey was slow and difficult. Transportation for so large a family and their retinue would be hard to obtain. The means provided must not only conform to the luxurious tastes of the imperial family, but must be consistent with the dignity demanded by the presence of the god, Elagabalus.[4] Delays would arise along the road also, partly unforeseen, partly from political considerations.[5]

[1] P. I. R., vol. 2, 346; Dion 78, 14, 3; 79, 2, 1; Borghesi, Oeuvres, vol. 9, p. 350 f. [2] Cohen, vol. 4, p. 324, no. 13.

[3] Dion 79, 3, 1. [4] Herodian 5, 5, 15; Dion 79, 11, 1.

[5] An inscription from Prusias, published Mitth. Deutsch. Arch. Inst., Athen. Abt., vol. 24 (1899), p. 427, leads Koerte to think that Heliogabalus stopped there on his way to Rome.

Since the imperial family did not reach Nicomedia until the season was far advanced,[1] they decided to winter there. This decision was due partly to the discomfort of a winter journey in a climate much colder than that to which they had been accustomed, partly to a cause revealed by the coins of the years 218-19. To this period, Cohen attributes a number of coins inscribed SALUS ANTONINI AUG. and SALUS AUGUSTI.[2] It seems fair to suppose that if the illness to which these refer had occurred shortly after Heliogabalus reached the capital, we should be likely to have heard of it elsewhere. The time from June 8, 218 to January 1, 219 is fairly well accounted for; it is not, however, easy to see why the imperial family should have reached Rome so late[3] in 219, unless they were delayed in starting from Nicomedia. On this account, it seems probable that this illness occurred very late in 218 or, more likely, early in 219 and increased the length of the stay of Heliogabalus in the East.

The winter spent at Nicomedia had not been free from anxieties of a different nature. Heliogabalus, prompted partly by his own headstrong will, partly by the evil counselors with whom he had surrounded[4] himself, gave himself over to a course of fantastic fanaticism and incomprehensible folly.[5] He scandalized the staid Romans no less by the barbaric splendor of his dress than by his devotion to rites which seemed to them inexplicable and unnecessary. Maesa[6] tried in vain to persuade him to follow a more prudent course; her advisers could do no better. One of

[1] Herodian 5, 5, 3.
[2] Cohen, vol. 4, p. 348, nos. 254-264.
[3] Cf. page 76 f. below.
[4] Herodian 5, 5, 10.
[5] Herodian 5, 5, 4-8.
[6] Herodian 5, 5, 9-10.

them, Gannys,[1] the prime mover of the conspiracy,[2] the man to whom Heliogabalus owed his success in the battle against Macrinus, was given a mortal wound[3] by the emperor's own hand because his attempts to compel the young ruler to live moderately and wisely became irksome.

To this winter, Herodian assigns two events[4] which, in spite of the foolish fanaticism which the emperor displayed during this time, seem rather improbable. They are the issuing of an order by Heliogabalus to the effect that in sacrifice the name of Elagabalus should be called upon before all the other gods, and the sending of his portrait, painted in the full regalia of his priesthood, to Rome, to be put up above the statue of Victory in the senate house. That at a time when the echoes of civil strife were still to be heard,[5] when the emperor, as yet unknown to his capital, was of necessity so far distant from the city, Maesa and her advisers should allow even this headstrong boy to violate all considerations of public policy so openly and flagrantly, is hard to believe. Taking into the account also Herodian's failings[6] as a historian and his inexactness in the chronology[7] of this reign, it is not hard to think that here our author has either put these events out

[1] Dion 79, 6; Schiller, op. cit., p. 762.

[2] Dion 79, 6, 1; cf. 78, 38, 3 and 39, 4.

[3] Dion 79, 6, 3.

[4] Herodian 5, 5, 11-13; cf. Friedlaender, Sittengesch., ed. 5, vol. 3, p. 206; Dion 79, 11, 1; Zonaras, 12, 13, 616 B. Bernoulli, Die Bildnisse der roem. Kais., vol. 2, pt. 3, p. 89, refers to a statue which some think shows Heliogabalus in his priestly robes; cf. Habel, Woch. f. klass. Phil., vol. 6 (1889), p. 275.

[5] Dion 79, 7, 3.

[6] Christ, Geschicht. d. griechisch. Litt., ed. 3, p. 677.

[7] Herodian (5, 8, 19) tells us that Heliogabalus was killed in the sixth year of his power. He also puts the adoption of Alexander a year too early; cf. p. 95 and n. 3.

of their correct chronological order or has misinterpreted them.

While the legends on the coins of this period, and the titles given to Heliogabalus in the inscriptions set up during this time, were largely conventional or dictated by the court, still there is plenty of evidence to warrant the inference that the new emperor enjoyed considerable popularity during the early part of his reign. The very fact that peace again prevailed throughout the empire would of itself be an occasion of great joy to many. On some of the coins of the imperial family are found the words PAX AETERNA,[1] PAX AUGUSTI,[2] on others SECURITAS IMPERI,[3] and SECURITAS SAECULI,[4] SPEI,[5] LIBERTAS AUG.,[6] FELICITAS TEMP.,[7] LAETITIA PUBL.,[8] all bearing testimony to the existence of this sentiment.

Other coins refer to the love of the soldiers for their new ruler, of these it is sufficient to cite only those bearing the words FIDES PUBLICA,[9] FIDES MILITUM,[10] FIDES EXERCITUS,[11] and CONCORDIA MILITUM.[12]

In inscriptions of this period, particularly in those of Africa, a number of fulsome titles occur. Dedications to Heliogabalus as *fortissimus felicissimusque princeps*[13] or

[1] Cohen, vol. 4, p. 394, no. 27; cf. no. 28.
[2] Cohen, vol. 4, p. 335, nos. 120-123.
[3] Cohen, vol. 4, p. 349, no. 270.
[4] Cohen, vol. 4, p. 349, no. 271.
[5] Cohen, vol. 4, p. 350, no. 274; cf. 273 and 275.
[6] Cohen, vol. 4, p. 333, nos. 95-97; 100-101; cf. no. 106.
[7] Cohen, vol. 4, p. 326, no. 27; cf. nos. 278-282.
[8] Cohen, vol. 4, p. 331, no. 70.
[9] Cohen, vol. 4, p. 328, no. 45.
[10] Cohen, vol. 4, p. 327, nos. 38-44.
[11] Cohen, vol. 4, p. 327, nos. 28-37.
[12] Cohen, vol. 4, p. 325, no. 15.
[13] C. I. L. II, 4766, 4767, 4769, 4805.

dominus indulgentissimus[1] are found in different parts of the empire. These, however, fall into the background beside the title *fortissimus atque invictissimus ac super omnes retro principes indulgentissimus*[2] found in inscriptions set up in Africa in the early part of this reign.

In view of this evidence that Heliogabalus was received with at least some degree of favor, one can not accept without question the sweeping statements of some of the writers who claim that he was always hateful to the people.

III. HELIOGABALUS AT ROME

1. THE ARRIVAL OF HELIOGABALUS AT ROME

While there is no way of ascertaining when the imperial family left Nicomedia, the date of their arrival at Rome can be determined with approximate accuracy. In Eutropius[3] occurs the statement *Is—Romam—venisset—biennioque post et octo mensibus tumultu interfectus est militari.* From the manner in which the thought is expressed, it is clear that the author meant that the death of Heliogabalus occurred two years and eight months after he came to Rome. As there is no evidence that these figures were ever written in Roman numerals, one can not assume any accidental alteration of them in that way. Subtracting the figures given by Eutropius from the date of the death of Heliogabalus March 6[4] or 11,[5] 222, one concludes that Heliogabalus reached Rome early in July.[6] This time may be fixed as a safe *terminus post quem.*

[1] C. I. L. III, 6058, 6900.
[2] C. I. L. VIII, 10304, 10308; cf. 22385.
[3] Eutropius 8, 22.
[4] See page 107 below.
[5] Dion 79, 3, 3.
[6] Since Wirth, op. cit., p. 16, refers this event to early July, 219, it is probable that he followed the same method.

Excavations in Rome near the place where the Via Tasso crosses the boundary of the second and fifth regions,[1] have brought to light a series of marble pedestals of simple workmanship. One of these bears an inscription[2] which indicates that it was set up September 29, 219, in honor of the arrival of Heliogabalus. If this be taken as the date on which the inscription was set up, then the event commemorated must have occurred long enough before to allow sufficient time for the completion of the base[3] and the statue which probably stood thereon. It is clear then that the emperor reached Rome some time between July 11 and September 29, 219.

By taking into account certain other pieces of evidence, this date can be still more accurately determined. We are told that Heliogabalus distributed money among the people in honor of his arrival,[4] and at the time of his marriage with Paula.[5] Both of these events occurred in 219. But four such distributions are known during the reign of Heliogabalus.[6] The first (date unknown) was probably in honor of his accession, the second is assigned by Cohen to the year 219, the third to 221, the fourth is not dated. Now in view of the financial condition of the empire, and considering the fact that but one distribution was made during the year 219, it is probable matters were so arranged that this one did service for both the events mentioned above. In

[1] Not. d. Scavi, 1885, p. 524; cf. Bull. Com., 1885, p. 155; 1886, p. 132.

[2] C. I. L. VI, 31162; cf. XIV, 2256, a mutilated inscription set up to the sun in honor of the return of ? and *totius domus divinae*, which possibly has some reference to this event.

[3] Bull. Comun., 1885, loc. cit. The pedestal in question is 1 ft. 7 in. high.

[4] Herodian 5, 5, 15.

[5] Dion 79, 9, 1-2.

[6] Cohen, vol. 4, pp. 331-333.

that case, the marriage of Heliogabalus and Paula occurred soon after the emperor reached Rome.

The earliest Alexandrian coin[1] bearing Paula's name is dated ΙΒ, in other words before August 28, 219. Since an interval of from three to four weeks[2] would be necessary in order that the news of this event might be brought from Rome to Alexandria and the coin dies cut, it seems probable that the marriage could not have occurred after July 24-28. For this reason, the date obtained from Eutropius may be accepted as approximately correct.

The picture of the emperor on horseback on the coins inscribed FORTUNA REDUX,[3] probably struck according to a conventional pattern in honor of his arrival, is in direct contradiction to the statement in Herodian[4] that he entered the city clad in the official robes of the priesthood of Elagabalus.

One of the few things which Dion finds to praise in this emperor is, seemingly, assigned to this period, the am-

[1] Brit. Mus. Cat., Alexandria, p. 195, no. 1528. This coin is dated according to the usual Egyptian custom, the time from an Emperor's accession until Aug. 29 being counted as the first year. According to this the years of Heliogabalus are:

A June 8, 218—Aug. 29, 218.
B Aug. 30, 218—Aug. 28, 219.
Γ Aug. 29, 219—Aug. 28, 220.
Δ Aug. 29, 220—Aug. 28, 221.
E Aug. 29, 221—Mar., 222. cf. Head, Historia Numorum, p. lxxviii; De Ricci, Soc. Bibl. Arch., vol. 26 (1904), p. 192; Brit. Mus. Cat., Alex., pp. x, xi.

[2] If sent by land around the Mediterranean, about 23 days would be consumed, if by sea to Carthage and then by land, some two weeks beside the voyage. Because of their hostility to Caracalla it is hard to imagine that the Alexandrians would anticipate any event in the reign of Heliogabalus.

[3] Cohen, vol. 4, p. 328, no. 47; cf. nos. 50-53.

[4] Herodian 5, 5, 14.

nesty[1] which Heliogabalus granted for the many slanderous things said about both Caracalla and himself by people of all classes. Whoever proposed this measure knew that a wholesale revival of old wrongs was poor policy for a government which rested on paid loyalty and toleration grounded on fear.

2. EVENTS TO THE YEAR 221

This is by far the most difficult period to treat in a satisfactory manner. The literary sources, freed from the logical sequence imposed upon them by the chronology of the earlier period, follow their own inclination in choosing the order of presentation. Owing to Dion's habit of treating similar events in groups,[2] it is not easy to follow his story from the version of Xiphilinus,[3] for the epitomizer has, as a rule, omitted the little hints which, in the original, threw light upon the date. Herodian's frailties as a historian and his misunderstanding of the chronology of this reign make it necessary to test his statements carefully before accepting them. Some of the data afforded by epigraphic and numismatic sources can not be used because of the excessive amount of hypothesis needed to bring them into relation with the rest of the material for the history of this period.

Aside from these restrictions, is another inherent in the situation. The period could not by the very nature of things be an important one in the external history of the empire. The machinery of the government still had enough

[1] Dion 79, 3, 2.

[2] For example, Dion brings together in 79, 3-7 the principal executions of this reign, in 79, 9, he treats the marriages of the emperor.

[3] The original Dion covers 78, 2, 2—79, 8, 3, Boissevain, vol. 3, p. iii.

momentum to run on with sufficient smoothness to prevent open anarchy. On the other hand, reform was absolutely impossible since any attempt in that direction must strike at the root of all the evils of the state, the foolish indulgence of the soldiers. Inasmuch as the court knew that Heliogabalus would hold his position just so long as he retained the good will of the army, there was no chance that they would begin or allow any attempts at reform. The period may then be characterized as an age of quiescence.

If there were no other reason for such an inference, the small amount of legislation which has come down from the period would warrant this conclusion. It is certainly not accidental that from a period of nearly four years in the golden age of Roman law, but *five* imperial decrees[1] should have come down to us, while in the Codex Justinianus there are three page length columns of *dates* of similar decisions from the reign of Caracalla, and five similar columns from the time of Alexander Severus.

In consequence of these limitations, and because of the view of historical writing held by the writers of the period whose works have come down to us, the history of this time is practically an account of the chief events in the lives of the members of the imperial family.

Directly after the festivities in honor of the arrival of Heliogabalus,[2] the emperor set to work to provide a shelter for his god. It was not strange that so ardent a worshipper should give this matter his first consideration, for Elagabalus had been practically homeless ever since the imperial family left Emesa. Two temples were built in honor of

[1] Codex Justinianus, Krueger, 6th ed., p. 491; Haenel's Fragmenta Codicis Gregoriani, p. 38.

[2] Herodian 5, 5, 15.

the god, one in the suburbs,[1] of which we know nothing, the other in the city. This one, both because it was more prominently brought before the public, and because it was more important, is taken to have been the so-called Eliogabalum.

Herodian's account, although it overlooks the time which must have been spent in choosing a site, and in making preparations for the construction of the temple, is not contradictory to Hieronymus'[2] statement that the temple was built in 220. In view of all the facts, it is entirely natural that most, if not all, of the work on the structure should have been done during that year.

For many reasons it is clear that this temple was on the Palatine. The convenience of the emperor would make it advisable. All the statements in the Greek authors[3] about the worship of the god refer to the Palatine as the center of the cult. Finally, Victor[4] tells us that Heliogabalus established his god *in palatii penetralibus*. Attempts have

[1] It is agreed that this was in the eastern part of the city near the Porta Praenestina, probably on the tract of land known as Ad Spem Veterem (cf. p. 142); Richter, Topogr. d. Stadt Rom.[2] p. 315; Wissowa, Relig. u. Kult. d. Roem., p. 306.

[2] Schoene, Eusebi. vol. 2, p. 179; cf. Schanz, Gesch. roem. Lit., vol. 4, pt. 1, p. 403. The statement of Cassiodorus (Mommsen, Die Chronik des Cassiodorus Senator in Abhandlungen der Koenigl. saechs. Gesellsch. d. Wissensch., phil.-hist. Classe, vol. 3, 1861, p. 641) that this temple was built in the year 221 proves nothing against the theory. In compiling his work Cassiodorus drew his list of emperors, the years of their reigns, and his historical events from Hieronymus (op. cit., pp. 562, 563, 567); to these he added a consular list from the Cursus Paschalis of Victorius Aquitan. (op. cit., p. 565). In rearranging his material Cassiodorus makes many blunders, and this is one.

[3] Dion 79, 12, 1; cf. Zonaras 12, 14, 616 C; Herodian 5, 6, 7.

[4] Victor, De Caes. 23, 1.

been made to point out certain ruins on the Palatine as the remains of this temple,[1] but the identification has not been very generally accepted. In this connection, certain pieces of a capital discovered in the Forum must[2] be considered. Since it shows Elagabalus between Minerva and Urania, it is clearly connected with some structure built for that god. Studniczka,[3] followed by Cumont,[4] think it a part of the Palatine temple. This hypothesis, as Huelsen[5] pointed out, does not explain the presence of other similar fragments seen by Signor Boni in the same place. On that account, it seems to Huelsen more probable that they belong to a chapel of Elagabalus which stood in the Forum. It may be added that the proximity of the places where these pieces were found[6] (the first on the east side of the temple of Castor, the second in the excavation of the Regia), to the temple of Vesta, when considered with the figures on the capital itself, probably points to some structure built in honor of Elagabalus and Vesta. There is another reason for thinking that these fragments can not come from the Eliogabalum. In the Passio Sancti Philippi[7] it is stated that that building was burned before 304. If this be true, one would expect that the ruins of the structure

[1] Baumeister, Denkmaeler, p. 1484; cf. plate p. 1441.

[2] The first part, found in 1870-1872, was shown Annal. Inst. Arch., 1883, plate M, and p. 164 ff. The entire capital is shown in Mitth. Deutsch. Inst., Roem. Abth., vol. 16 (1901), pp. 273-282, and plate XII.

[3] Op. cit., p. 280. [4] Pauly-Wissowa, R. E., vol. 5, p. 2221.

[5] Mitth. Deutsch. Arch. Inst., Roem. Abth., vol. 17 (1902), p. 67.

[6] Mitth. Deutsch. Arch. Inst., Roem. Abth., vol. 16 (1901), p. 273.

[7] Mitth. Deutsch. Arch. Inst., Roem. Abth., vol. 7 (1892), p. 159 cites the passage; cf. Acta Sanct., Oct., vol. 9, p. 546, chap. 1, ¶ 8. St. Philip, who perished in the persecution of 304, speaks of it as destroyed.

would show traces of fire. The fact that they do not is another argument against the identification.

It was necessary that this temple of Elagabalus should be large and beautiful both because of the position of his priest, and because it was not fitting that so powerful a divinity should be less suitably and less comfortably housed than in the luxurious structure at Emesa.[1] Some idea of the appearance of the Eliogabalum may be gained from the representation of it on a coin struck in 222.[2] Studniczka describes it thus: "In the background rises the temple partly covered by the emperor, who advances from the right with a small attendant, holding the right hand outstretched over an altar or some similar structure, as if in sacrifice. On the other side of the altar, stands another small figure opposite the high priest. Below the feet of this group, which is divided into three parts by four pairs of spears, appears the entrance to the temple courtyard crowned with statues, probably a chariot and four horses. On either side of the entrance are wing-halls which open opposite each other, with small open fronts like little shrines; on these are eagles[3] as acroteria. An outside staircase leads to the entrance. Below, on the segment, a railing is still recognizable which, from the coins of Alexander Severus showing the same building, belongs to a podium in front of the temple on either side of the steps."

[1] From representations of the temple on the coins of Domna and Maesa (Hunt. Coll., vol. 3, pp. 196-197; Brit. Mus. Cat., Galatia, Cappadocia, Syria, pp. 238, 239), it is clear that this must have been a building of considerable magnificence.

[2] Mitth. Deutsch. Arch. Inst., Roem. Abth., vol. 16 (1901), plate xii, n. 7. The same temple is seen on a coin of Alexander Severus inscribed *Iovi Ultori*, Cohen, vol. 4, p. 411, n. 102.

[3] The eagle is often seen in connection with Elagabalus as a symbol of adoration; cf. Lenormant, Daremberg-Saglio, Dict. Antiq., vol. 2, pt. 1, p. 529.

The fact that the temple of Elagabalus was in process of construction during the year 220 doubtless has much to do with the fact that the cult of that god begins to make its presence felt in the inscriptions and on the coins of that year. The first accurately dated inscription containing the priestly title of Heliogabalus comes from the following year, but another inscription,[1] dated by the emperor's third consulship, without the tribunicial year (hence either 220 or 221), is found. A considerable number of the coins of this year show the star,[2] generally interpreted as the symbol of the divinity of the sun.

Among the events of the year 220 which can be dated with more or less accuracy is Heliogabalus' assumption of his third consulship on January 1, with Comazon as his colleague. In order to hold this position, the latter doubtless withdrew from his office as city prefect, in which Leo probably succeeded him.[3]

Later in this year, possibly even early in 221, occurred the divorce[4] of Paula. This empress, although the only one of the wives of Heliogabalus mentioned in inscrip-

[1] C. I. L. X, 5827; cf. C. I. L. III, d. LXXXIV.

[2] Seen on but one coin of 219 listed in Cohen; another coin of this year (219) shows a radiant globe which M. Toutain, Mélanges d'Arch. et d'Hist., vol. 12 (1892), p. 94 explains as the symbol of the sun. The coins of 220 which Cohen (vol. 4) gives as showing the star are nos. 92, 153-160 (probably inclusive), 163, 168, 171-177 (sometimes the coins of these last styles have the star, sometimes not) and 240. Nos. 58, 246, 253, 276, all from 221, give the priestly title of Heliogabalus; cf. Froehner, op. cit., p. 167.

[3] Borghesi, Oeuvres, vol. 9, p. 354; Hirschfeld, Roem. Verwaltungsgesch., ed. 1, p. 233.

[4] Coins bearing her name were struck at Alexandria after Aug. 29, 220, (Brit. Mus. Cat., Alex., p. 196, nos. 1529, 1533; cf. Eckhel, D. N. V., vol. 4, p. 85), and at Tripolis in Phoenicia after Oct. 220, (Eckhel, D. N. V., vol. 3, p. 378).

tions,[1] does not seem to have been in any way prominent at court. Her coin types are for the most part unimportant, showing simply references to *Concordia,* the protecting goddess of the imperial family and the family virtues,[2] or to the happiness[3] of the times and the good fortune which brought these rulers to the throne.

Not long after this separation Heliogabalus drew down upon himself the wrath of all Rome by choosing as a second wife, Aquilia Severa, one of the priestesses of Vesta. This act is severely condemned[4] by Dion and Herodian who tell us that he defended his conduct, possibly because of some inquiry made by the senate. From this defense, Dion purports to quote these words: *ἵνα δὴ καὶ θεοπρεπεῖς παῖδες ἔκ τε ἐμοῦ τοῦ ἀρχιερέως ἔκ τε ταύτης τῆς ἀρχιερείας γεννῶνται,* which give the key to the situation. While Aquilia Severa was older than Heliogabalus,[5] she was certainly not the head of the Vesta worship. The use of the word *ἀρχιερεία* is due partly to the emperor's ignorance of Roman usage; but chiefly, without doubt, to the importance of the Vesta cult in Rome at this time.[6] The words *θεοπρεπεῖς παῖδες* are also significant.

The time of the marriage can not be accurately determined. From the Alexandrian coins[7] of Severa bearing the date ΙΔ, it is clear that the marriage occurred after

[1] C. I. L. X, 4554.

[2] Mélanges d'Arch. et d'Hist., vol. 24 (1904), p. 508; Cohen, vol. 4, nos. 4-16.

[3] Cohen, vol. 4, p. 325, nos. 17 and 18.

[4] Dion 79, 9, 3; Herodian 5, 6, 3-4.

[5] The portraits on her coins show considerable maturity, Cohen, vol. 4, p. 381; Hunt. Coll., vol. 3, plate 74, no. 12, and 89, no. 17; cf. Preuner, Hestia-Vesta, p. 277, n. 5.

[6] Preuner, op. cit., p. 439, 441.

[7] Brit. Mus. Cat., Alex., p. 197, no. 1538, p. 198, nos. 1543-1546. The time is determined according to the table given on p. 77.

August 29, 220. Since Paula seems to have been empress as late as October of that year,[1] the coins which bear Severa's name come from the very end of 220 at the earliest. Considering the fact that some of her coins are inscribed AEQUITAS PUBLICA,[2] it seems possible that the third distribution[3] of money to the people, which occurred in 221, may have been made in honor of her marriage to Heliogabalus. This together with the statement[4] that she was empress but a short time, seems to favor a date in the early part of the year 221 for the marriage.

With this, one can probably connect the union arranged between Elagabalus and the Palladium.[5] The purpose of the act, which awakened such consternation among the orthodox Romans, was to join the worship of Elagabalus more closely with the Roman cults. The reason for choosing the Palladium was doubtless something like this: The cult of Vesta stood at the head of the pagan cults which had most successfully resisted the advance of Christianity.[6] Since no statue of Vesta stood in her temple in the Forum, a stranger to Roman worship, especially one who, like Heliogabalus, was accustomed to some symbol of the god's presence in the temple, might think the Palladium the image of the divinity worshipped there. Further, there

[1] Cf. n. 4, p. 83.

[2] Cohen, vol. 4, p. 380, n. 1; cf. p. 70.

[3] Cohen, vol. 4, p. 332.

[4] Dion 79, 9, 4.

[5] Herodian 5, 6, 7. The silence of Dion on the subject cannot be used as an argument against the story of Herodian. The presence of the figure of Minerva on the capital mentioned above supports his statement. It is quite possible that the manuscript of Dion had suffered before Xiphilinus used it; cf. 78, 31, 1, 4; 36, 4; 37, 2; 79, 5, 5 in the original and in Xiphilinus' version.

[6] Preuner, op. cit., p. 441.

is abundant evidence to show that both priests and priestesses in the East impersonated[1] the divinity whom they served. Now, certainly, if Heliogabalus, because he was accustomed to such a practice, thought of himself in this way, it would not be hard for him to come to think of Severa as representing Vesta. In that case, what would be more natural than that Elagabalus and the Palladium, the chief divinities of Rome, and the priest and priestess impersonating these gods should be united in marriage at about the same time? On this hypothesis the words ἀρχιερέια and θεοπρεπεῖς παῖδες assigned to Heliogabalus become intelligible.

IV. Reforms of 221, and Rise of Alexander

1. Possible reform policy of the year 221

Heliogabalus had reached the climax of his folly. His open infringement of all that Rome had held sacred for centuries naturally caused an open expression of dissatisfaction. Nothing could be more dangerous to the government than this state of feeling; it might easily come to pass that some of the more wealthy men in the state would try to buy up the soldiers in order to dethrone so unworthy an emperor.[2] In case such an attempt was successful, the

[1] Pauly-Wissowa, R. E., vol. 5, p. 2220; cf. Jour. Hell. Stud., vol. 18 (1898), p. 75; Ramsay, Cities and Bishoprics of Phrygia, vol. 2, p. 360; cf. p. 640; vol. 1, p. 56; Frazer, Adonis, Attis, and Osiris, p. 14; cf. p. 10; and Smith, Religion of the Semites, pp. 44 and 66. Identifications of members of this house with gods was by no means new; cf. Domaszewski, Relig. d. roem. Heers, p. 73, where inscriptions are given showing divine titles given Caracalla and Domna. Reville, La religion sous les Sévères, p. 35; Hochart, La religion solaire dans l'empire romain, p. 76.

[2] Some such an attempt seems to have been made, possibly before this time. Dion (79, 4, 6; cf. Herodian 5, 6, 1) tells us that Seius Carus was accused in the palace, and killed "on

conduct of Heliogabalus had prepared one common doom for his whole family. To prevent this, Maesa and her advisers must force the emperor into at least temporary obedience to what may be called the reform policy of 221.

There is no doubt that one of the first steps would be to allay the popular anger by the divorce of Severa.[1] Just when this occurred is not known. Since coins with Annia Faustina's[2] name were struck at Alexandria prior to August 28, 221, it is clear that Severa must have been set aside sometime before. This theory is strengthened by the statements of both Dion[3] and Herodian[4] that she was empress but a short time.

No less essential to the restoration of tranquillity, was the retirement of the Palladium from its position of unde-

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the pretext that he was forming a league of some of the soldiers belonging to the Alban legion; and on the basis of some charges preferred by the emperor alone." It is clear that Heliogabalus must have been in Rome at that time. It is also fairly certain that there would be no very good excuse for plotting against the emperor before the latter part of 220. Carus, a man of wealth and rank, was precisely the kind of man that one would expect to find taking a stand against the emperor when he began to be unpopular. The reference to the Alban legion brings to mind an inscription set up by that legion in 220 C. I. L. VI, 3734 (= 31058 = XIV, 2257) to the *Victoria Aeterna* of Heliogabalus. In it, the legion expresses the greatest devotion to the emperor. Since it seems a little strange that there should be such a demonstration of enthusiasm about the victory over Macrinus two years before, it may be possible to connect this inscription with Dion's story. Domaszewski, op. cit., p. 38, thinks it refers to Heliogabalus' success over Macrinus.

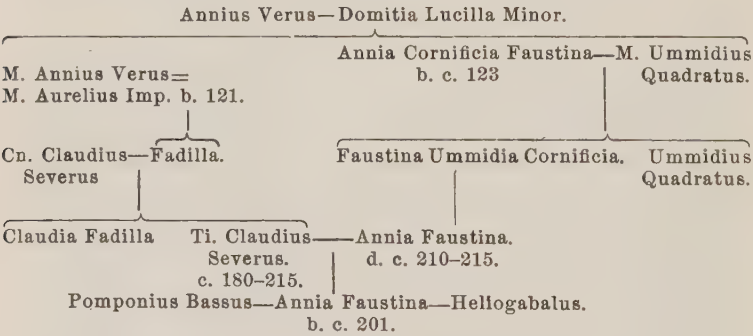
[1] Reville, op. cit., p. 252, n. 2, cites an attempt to identify Severa with the lady of that name to whom the epistle *ad Severam* mentioned on the stele of Hippolytus was written.

[2] Cf. p. 77 and p. 88.

[3] Dion 79, 9, 4. [4] Herodian 5, 6, 5.

sirable prominence. Herodian's [1] implication that the separation was complete can not be accepted since both Pallas and Urania appear on the capital mentioned above. However, to conciliate the public, the venerated image must be to some extent separated from Elagabalus who shared the unpopularity of his priest.

One of the greatest obstacles which the imperial family had met was their lack of connection with the Roman nobility. A first step in this process of reform seems to have been the attempt to establish such a connection by the marriage between Heliogabalus and Annia Faustina. As the following family tree will show, no better person could have been chosen [2] for this purpose.



Because of her noble birth she alone of the wives of Heliogabalus did not assume the title Julia. The time of the marriage was prior to August [3] 28, 221, just how long is not clear.

With the marriage of Heliogabalus and Annia Faustina, it seems possible to connect the execution of her first hus-

[1] Herodian 5, 6, 8.

[2] Ramsay, op. cit., vol. 1, p. 292; Dion 79, 5, 4; Herodian 5, 6, 5.

[3] Brit. Mus. Cat., Alex., p. 198, n. 1549.

band, Pomponius Bassus. Because his name is found in the list[1] of those executed by Heliogabalus, the general tendency has been to think that Bassus lost his life about 219.[2] This does not seem right. Dion clearly intimates that the execution of Bassus took place shortly before[3] Heliogabalus' marriage to Faustina; if not, what do the words "he did not allow her to mourn the catastrophe" signify? Further, we are also told that one of the charges[4] brought against Bassus was that he criticised the emperor's conduct. While the events of 220 and the early part of 221 gave abundant reason for criticism, it is not so clear that there was any reason for such a course before. On this account, it seems best to think that Bassus probably did not lose his life until 220 at least.[5]

At about the same time that Annia Faustina became the wife of Heliogabalus, a second marriage was arranged for Elagabalus. Here again the reform party doubtless exercised their control, hoping in this way both to conciliate the emperor, and to win favor for the god that was so intimately connected with the government. The choice fell upon the Carthaginian divinity Caelestis.[6] Her image was accordingly brought to Rome, escorted with great ceremony[7] to the Palatine temple, and there united with that of Elagabalus.

This choice was a wise one. Although known at Rome as Caelestis[8] because she was thought of as the queen of

[1] Dion 79, 3, 4 ff.

[2] P. I. R., vol. 3, p. 74.

[3] Dion 79, 5, 4, *μηδὲ ἐκθρηνῆσαι τὴν συμφορὰν ἐπιτρέψας.*

[4] Dion 79, 5, 2.

[5] Ramsay, op. cit., p. 292.

[6] Dion 79, 12, 1; Herodian 5, 6, 8-12; cf. Eckhel, D. N. V., vol. 7, pp. 250-252; Salzer, Die syrischen Kaiser, p. 24.

[7] Herodian 5, 6, 12.

[8] Cumont, Pauly-Wissowa, R. E., vol. 3, p. 1247.

the heavens, this goddess was really a form of the Phoenician Astarte.[1] Because of her Semitic origin, the idea of her marriage[2] would not be likely to arouse the prejudices of her worshippers. Heliogabalus might well consider Caelestis worthy to become the wife of his god, for she was not only the chief divinity of Carthage, but was widely known in Northern Africa[3] and around the Mediterranean basin. Her worship, established at Rome by Septimius Severus,[4] had proven so popular that it might well seem possible to those in charge of the government to increase the popularity of Elagabalus by uniting the two cults. There was, possibly, another reason. Since Caelestis was the leading divinity of Northern Africa, her temple possessed great wealth. This treasure would have been of

[1] The Phoenician Astarte was known at Carthage as Tanit. The title was probably not intelligible to the Romans, who assimilated this goddess to Juno. At an earlier time, the Greeks had compared Astarte to their heavenly Aphrodite, and given her the title Urania; cf. Herodian 5, 6, 10; cf. Frazer's Pausanias, vol. 2, p. 129.

[2] It is true that Caelestis was often spoken of as a maiden goddess (Movers, Die Phoenizier, vol. 1, p. 608, Reville, op. cit., p. 75), but Caelestis had a twofold nature (Cumont, op. cit., p. 250), and it is also clear that some god was associated with her at Carthage (Wissowa, Relig. u. Kultus d. Roem., p. 314; Audollent, Carthage romaine, pp. 370, and 396).

[3] Cumont, op. cit., p. 1247; Hild, Daremberg-Saglio, vol. 3, pt. 1, p. 689; Wissowa, op. cit., p. 312, n. 3, 313, n. 1 and n. 3; Audollent, op. cit., p. 370.

[4] Since in 259 we hear of a temple of Caelestis on the northern approach of the Capitoline, it is possible that this cult was officially received by the Roman state. Wissowa, op. cit., p. 313; cf. Cumont, op. cit., p. 1248; Hild, op. cit., p. 689. The cult was certainly not introduced, as tradition would state, before Severus, for the Romans brought in only the gods of a narrow circle of cities around Rome; cf. Domaszewski, op. cit., p. 74.

great assistance to the government, that it seems possible that it may have helped to bring the marriage about. Herodian[1] tells us that Heliogabalus demanded all this wealth as a dowry for his god; Dion[2] states that he accepted only two golden lions, and raised the funds he needed by levying a tax on the subject peoples. While it would have been bad policy for the emperor to strip the temple of Caelestis of all its treasures, this chance to increase the government's resources was too good to be passed by. It is altogether probable that the sum demanded as a dowry for Caelestis was as heavy as possible.[3]

After all, these reasons are more or less inferential; it seems possible that a closer study of the situation may throw a clearer light on the motive for the union of these two divinities.

Caelestis possessed a twofold nature.[4] As queen of the heavens she directed the moon and the stars, the thunder and the lightning, and sent down lifegiving rains to men and beasts; as the personification[5] of the productive force of nature, she was the patroness of fertility. In this capacity, she was identified with Cybele in Africa, and Bona Dea in Italy.[6] In time, the cult of Bona Dea became so

[1] Herodian 5, 6, 11. [2] Dion 79, 12, 1-2.

[3] It might easily be that the golden lions which Heliogabalus demanded were of such size as to drain the temple treasures.

[4] Cumont, op. cit., p. 1249; Audollent, op. cit., p. 374; Preller, Roem. Myth., vol. 2, ed. 3, p. 395. This maiden divinity was identified with Diana, Cybele, and sometimes with Venus. Generally she was called a moon goddess; cf. Roscher, Lexikon, vol. 1, p. 1230; Cumont, op. cit., p. 1250.

[5] Audollent, op. cit., p. 374; cf. Cumont, Les mystères de Mithra, p. 155.

[6] Cumont, Pauly-Wissowa, R. E., vol. 3, p. 1249; cf. C. I. S., vol. 1, pp. 299, 195, and pp. 417, 380 where Tanit is given a title equivalent to Magna Mater. Ramsay, op. cit., vol. 2, p. 375, cites an instance of the identification of Bona Dea and Cybele.

general that it included rites in honor of other female goddesses, especially Magna Mater and Juno Caelestis.[1] Through the link thus established, the identification of Caelestis and Magna Mater[2] came to be a common thing. Such a union of the worship of the two goddesses would be especially likely to come to pass after the introduction of the worship of Caelestis by Severus, because of the syncretistic tendency of the age.[3]

The cult of Magna Mater was influential, not only because of the standing[4] which it had gained, but more especially because its importance had been greatly increased through its connection[5] with the worship of Mithras. Ever since Commodus[6] had given Mithraism state recognition, its importance and popularity had increased rapidly; at this time it stood at the zenith[7] of its power. The soldiers in particular[8] were greatly devoted to this worship.

When we consider the fact that both these gods seem to have been considered sun gods,[9] and notice the similarity

[1] Preller, op. cit., vol. 1, p. 404.

[2] Audollent, op. cit., p. 376.

[3] The rites of the two goddesses were almost identical in Italy and Africa, Audollent, p. 387; Augustine, de civ. Dei 2, 4; Tertullian, Apol. 12; Roscher, vol. 2, pt. 2, p. 2912 and 2914.

[4] Introduced into Rome in 204 B. C., this cult had constantly increased in influence. Cf. Cumont, Mithra, pp. 32-3, 72; Wissowa, op. cit., pp. 57, 263, 265.

[5] Cumont, Mithra, pp. 152 ff.; cf. 146. By this union women were admitted to the rites of Mithras.

[6] Cumont, Mithra, p. 78; Wissowa, op. cit., p. 308; Mass, Die Tagesgoetter in Rom u. d. Prov., p. 148. Septimius Severus built a temple to Mithras on the Palatine.

[7] Wissowa, op. cit., p. 312.

[8] Cumont, Mithra, pp. 33 ff., 69; Usener, Rhein. Mus., vol. 60 (1905), p. 468.

[9] Reville, op. cit., p. 85. The Romans thought of Mithras as a sun god. The error goes back to those who transmitted

of the titles applied to them in inscriptions,[1] we are led to think that the syncretistic tendency of the time may have led to some confusion of the two in the popular mind.[2] Heliogabalus would certainly be glad to reap the benefits of such a connection between his god and Mithras, the favorite divinity of the soldiers upon whose loyalty the continuance of his power rested. Identification of the two gods was out of the question, for Elagabalus must be supreme. How then could a connection be brought about more gracefully and easily than by arranging to make Caelestis,[3] identified with Magna Mater and so connected with the Mithras cult, the wife of Elagabalus?

Since the capital already mentioned on which Caelestis and Pallas are shown is so mutilated, it is impossible to see what the artist's conception[4] of the former was. Only

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the cult; Cumont, Mithras, p. 107. Elagabalus, whatever his origin, was a sun god to his worshippers in the third century; cf. Dion 78, 31, 1; Herodian 5, 3, 8; Wissowa, op. cit., pp. 305 and 311; Rev. Arch., Ser. 4, vol. 1 (1903), p. 379; Homo, Aurelien, pp. 188, 189.

[1] Compare the titles *Soli invicto Mithrae*, *deo Soli invicto Mithrae* in Dessau, Insc. Sel., vol. 2, pt. 1, nos. 4191, 4198, 4200, 4203-4205, 4216-4218, 4222, 4223, and 4194, 4211, 4215, 4220-4221, 4224, 4226 et al. with the titles *invicti Solis Elagabali* (C. I. L. x, 5827), *dei invicti solis Elagabali* (C. I. L. III, d. LXXXIV, LXXXV) and (C. I. L. VII, 585) *dei solis Elagabali*.

[2] It is certainly not accidental that the worship of Mithras was at its height during the period of devotion to the Syrian gods; Wissowa, op. cit., p. 312; cf. Cumont, Mithra, p. 157. The two gods should not be thought the same for the rites are entirely different, but the *Sol invictus Elagabalus* might be claimed by the worshippers of Mithras.

[3] The popularity of the goddess is shown by the fact that Ulpian put her in the list of the most important gods of state, Audollent, p. 383.

[4] From the descriptions which Hild, op. cit., p. 690, gives of the goddess, it is clear that her representation on coin

the outlines of the figure remain, but enough is left to show that she was clothed in long flowing draperies. Her right hand still rests protectingly upon the summit of the stone.

2. ADOPTION OF ALEXANDER, WHO BECOMES CAESAR

By these measures the downfall of Heliogabalus had been averted. No one knew better than Maesa, however, that the reform was but temporary. If she did not wish her whole family to be involved in certain downfall,[1] she must see to it that the young Alexander, who had been prudently kept in the background, should be brought forward. If this were done, she trusted that his sterling worth would win the hearts of the people, and the soldiers, and thereby secure his succession. Maesa's arguments were clever. Heliogabalus[2] was too heavily burdened by the union of the duties imposed upon him by the imperial office with the service he was bound to render to his god. He could, however, easily secure relief by adopting his cousin and giving him control of the public affairs.[3] In doing this he was

types was quite different from this conventional figure. Close beside Urania-Caelestis on this capital is a figure of a fallen bull, the neck and head gone. On it kneels a figure in long robes, seemingly in the act of sacrifice as in the common Mithras reliefs, cf. Cumont, Mithras, pp. 97, 102. In the right corner sits a female figure dressed in long flowing robes, holding a cornucopia. When this part of the capital was first found, this was generally thought to be Earth. On her feet rests a child seemingly stretching out his hands to her. The figures are too fragmentary to permit any interpretation. For a little fuller description cf. Jordan, Hermes, vol. 7 (1873), p. 268, and Wissowa, Annal. Inst. Arch., 1883, p. 164 and plate M. In the Rev. Arch., Ser. 4, vol. 4 (1904), pp. 230 ff. is a discussion of the lion and the bull in Syrian mythology.

[1] Herodian 5, 7, 1. [2] Herodian 5, 7, 2 ff.

[3] Herodian 5, 7, 3. It seems probable that Alexander did have some share in the affairs of state, at any rate, the coins

running no risk of treachery, for the interests of the two were identical.

Won by her skillful reasoning, Heliogabalus took his young cousin into the senate,[1] and in the presence of Maesa and Soaemias, went through the ceremony of adoption. As the heir presumptive, the lad was given the title Caesar. At about this time, announcement was made that Alexander was the son of Caracalla.[2]

Since the statement has been made that the adoption of Alexander was the culmination of the reform movement of 221, it is necessary to call attention to the fact that some, basing their argument on Herodian's[3] reckoning, claim

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inscribed PONTIFEX COS. S. C. (Cohen, vol. 4, p. 446, nos. 458 f.) would seem to indicate that in 221 Alexander had some connection with the state cults; cf. Eckhel, D. N. V., vol. 7, p. 268; Habel (De pontificum Rom. inde ab. Aug. usque ad Aurel. cond. pub., p. 35) says he took the title *Pont. Max.* with the imperial titles.

[1] Dion 79, 17, 2; Herodian 5, 7, 7.

[2] Herodian 5, 7, 6. In official documents (C. I. L. III, p. 1998, d. LXXXV) Alexander's title is given M. Au[r(elii) Antonini f(ilius) divi Antonini] Magni nep[os, divi Severi Pii pronepos, etc.].

[3] Herodian tells us that Heliogabalus was fourteen at the time of his accession (5, 3, 7). This agrees with Dion's statement (79, 20, 2) that the emperor was eighteen at the time of his death, and with the coin portraits given in Cohen (vol. 4). Since Herodian tells us that Alexander was in his tenth year in 218 (5, 3, 7) and twelve when he was made Caesar (5, 7, 7), it is clear that he thought the lad was made Caesar in 220. The question of Alexander's age has given rise to much discussion which is not in place here. Some agree with Herodian, others think that Alexander was twelve in 218, still others thinking that Herodian erred in Alexander's age in 221, not in the year, think the lad was thirteen at the time of the accession of Heliogabalus. The statements in Alex. Sev. 60, 1 about the age of Alexander and the length of his reign bear out this last idea. Gibbon accepted it on the

that this occurred in 220. This theory can not stand. Herodian's chronology of this reign is not such that one can use his statements as a basis for a contradiction to epigraphic and numismatic evidence of unquestioned accuracy. From the records of the Sodales Antoniniani[1] and of the brotherhood which met in the temple of Jupiter Propugnator,[2] it is clear that Alexander, the *nobilissimus Caesar, imperii* [*consors or heres*?], was admitted into membership in those bodies *ex senatus consulto* on July 10, 221 A. D., possibly *supra numerum*.[3] It is clear then that the ceremony in the senate, mentioned above, occurred shortly before that date. On the whole, early July seems the most probable time for this event. Even if the inscription set up June 1, by the seventh cohort of the Vigiles[4] to the *Imperatores Antonino et Alexandro* be

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basis of Lampridius' statement (Decline and Fall, Bury's ed., vol. 1, p. 142, n. 55). As Bury well says (loc. cit.) Lampridius may well be mistaken; for his own part, he prefers Oct. 1 (C. I. L. I², pp. 255, and 274) 208 for the date of Alexander's birth. Since Herodian states (5, 8, 19) that Heliogabalus ruled some six years, it would be easy to see how he arrived at his conclusion about Alexander's age in 218 if he found the statement that the lad was sixteen in 222; Reville, op. cit., p. 237 and n. 1.

[1] C. I. L. VI, 2001; cf. vi, 2999 from the month of July 221, in honor of Heliogabalus and Alexander.

[2] C. I. L. VI, 2009. Henzen, op. cit., p. ccxi, restores the ceremony of the Arvals.

[3] These words are, it is true, restored, but the space in the stone admits them, and possibly the situation warrants them; Schiller, Roem. Kais., vol. 1, pt. 2, p. 764, n. 7.

[4] C. I. L. VI, 3069. Since we know (Herodian 5, 8, 6) that Mamaea for some time before the fall of Heliogabalus, was secretly distributing money among the soldiers to win their affection for her son, it seems at least possible that this might be a result of her policy. The fact that the appointment was to be made might have been announced beforehand.

taken as a reference to what had already occurred, and not, possibly, an anticipation of the adoption, it changes the date very little. Since all of the coins struck at Alexandria in honor of Alexander Caesar,[1] are dated LE, (i. e. after August 29, 221),[2] it is clear that his appointment could not have occurred very long before that date. Further, the other coins struck in honor of Alexander Caesar which can be dated, as a rule, belong to the latter part of the year[3] 221.

A curious circumstance connected with this reform movement remains to be mentioned. As has been said,[4] Comazon seems to have been praetorian prefect prior to the time when Heliogabalus reached Rome. At this time, he succeeded Marius Maximus as city prefect. At the time of his assumption of the consulship, Borghesi thinks,[5] Comazon gave up his prefecture. Now it will be remembered that 220 and the early part of 221 is precisely the time when Heliogabalus seems to have committed some of his most flagrant transgressions of Roman tradition. Curiously

[1] Brit. Mus. Cat., Alex., p. 204, nos. 1581-1589; Hunt. Coll., vol. 3, p. 493. Domaszewski (op. cit., p. 37) sees in an inscription set up May 1, 222, a possible allusion to the anniversary of Alexander's appointment. He does not, however, consider the coins of Alexandria and the other cities mentioned above.

[2] Cf. p. 77.

[3] The earliest coin of Alexander Caesar from Caesarea at Libanum (Eckhel, D. N. V., vol. 3, p. 362; Borghesi, Oeuvres, vol. 3, p. 437), which would be likely to celebrate his advancement as soon as possible, was struck before the fall of 221, a coin of Caesarea in Cappadocia, which commemorates this event, was struck after Dec. 221; Eckhel, D. N. V., vol. 3, p. 189. Herzog, Geschicht. u. System, vol. 2, p. 485, n. 1, gives Arce, not Caesarea ad Libanum, as the birthplace of Alexander.

[4] Cf. p. 71.

[5] Borghesi, Oeuvres, vol. 9, p. 354.

enough Borghesi points out[1] that it is possible that Comazon again held the office of city prefect for a short time late in 220 or early in 221. Inasmuch as the times when Comazon held one of the two prefectures seem to have been the times when Heliogabalus was subjected to restraint and forced to conduct himself in a manner in accord with Roman traditions, it seems possible that Comazon may have had some part in bringing this result to pass. If this be true, the disparaging statements which Xiphilinus[2] makes about him cannot be accepted blindly.

V. Decline and Downfall of Heliogabalus

1. Rivalry between the cousins

This policy of reform could not lead to anything permanent. The obstinacy of the emperor was certain to manifest itself anew. The total lack of similar tastes between the two cousins could not fail to create friction. Close at hand stood the unworthy favorites of Heliogabalus ready to prompt him to evil ways and to fan his hatred of Alexander, if thereby they could gain their own ends. For a short time, however, things seem to have gone well, but late in the summer or early in the autumn of 221, Heliogabalus broke away from all restraint.[3]

[1] Borghesi (Oeuvres, vol. 9, p. 355) bases his conclusion on Dion's words (79, 21, 2) "Comazon succeeded the latter" (Fulvius, after the death of Heliogabalus) "as he had succeeded Fulvius' predecessor."

[2] Cf. p. 47.

[3] This was probably the time when he divorced Annia Faustina. Since we have a number of her coins from Alexandria (Brit. Mus. Cat., Alex., p. 198, no. 1548, and nos. 1550-1556) struck after Aug. 29, 221, the separation must have been after that date. Later, Dion tells us, Heliogabalus remarried Severa (79, 9, 4). This is proved by the coins in her honor struck at Alexandria between Aug. 29, 221 and Mar. 222; Brit. Mus. Cat., Alex., p. 197, nos. 1537, 1539-1542 and 1547.

The first difference seems to have arisen when Heliogabalus desired to teach his cousin the duties[1] of the priesthood of Elagabalus, in order to qualify him more perfectly for the imperial office. Since Mamaea saw the danger certain to come from such a course, the honor was declined. She wisely preferred to train her son in the traditional Roman manner.[2]

The rage of Heliogabalus at this refusal was increased by the discovery of the fact that his cousin was more popular with the army and people, than he himself.[3] Throwing aside all pretense of friendliness,[4] he began trying to deprive Alexander of his title and position,[5] thinking, possibly, that if the lad were once reduced to a private station, he would dare to have him secretly[6] assassinated.

Heliogabalus was not able to carry out his scheme, for the soldiers, seeing through his designs,[7] at once rebelled. In order to quiet them he was obliged to take Alexander with him, and to go to the camp of the praetorians,[8] to let them see that their favorite was safe. His position was a precarious one. The troops cared nothing for the authority of a man whom they had served for money only. Since Maesa had now gone over to the side of Mamaea,[9] to help

[1] Herodian 5, 7, 8.

[2] Herodian 5, 7, 9.

[3] Dion 79, 19, 1; Herodian 5, 8, 1-3; cf. Dion, Exc. Vat. 154, Boissevain, vol. 3, p. 471.

[4] Herodian 5, 8, 3-5; 7-8.

[5] Dion 79, 19, 1; Herodian 5, 8, 9.

[6] Dion 79, 19, 1; cf. Mamaea's provisions against poison, Herodian 5, 8, 4-5.

[7] Dion 79, 19, 2; cf. Herodian 5, 8, 9-12. It is hard to correlate the stories of the two writers at this point, for Herodian tells of but one rebellion.

[8] Dion 79, 19, 2; Herodian 5, 8, 13.

[9] Herodian 5, 8, 7; cf. Dion 79, 19, 4.

her win the favor of the soldiers for Alexander, Heliogabalus was left alone. The soldiers, taking advantage of this situation, proceeded to dictate the terms of their submission.[1] If he would give up his unworthy companions and conform to their wishes they would return to their allegiance. To these demands Heliogabalus consented except in the case of Hierocles, the chief of his favorites. In order to save his life, the emperor resorted to promises and entreaties. Finally, the soldiers, having won their main object, conceded this point to the emperor, and a reconciliation was effected.

This was of necessity a flimsy affair. The strife between the cousins was not lessened, the soldiers despised Heliogabalus more than ever for cringing to their demands; while he felt the shame of his position in their eyes. Both sides saw that the end of the present situation must come quickly.

The time when this first rebellion occurred is not altogether easy to determine. Still the fact that Heliogabalus assumed the consulate with his cousin[2] on January 1, 222, seems to show that it took place before that time. The relations between the two cousins prior to the first revolt of the troops were so strained that Heliogobalus would not allow his rival any increase of power that he was not forced to give. The friends of Alexander, on the contrary, would hardly be likely to permit the lad to be exposed to the many dangers with which Heliogabalus could surround him on such an occasion, unless they knew that there was some power in the state which would provide for his safety by

[1] Dion 79, 19, 3.

[2] Rev. Études Grecques, vol. 4 (1891), p. 48, no. 7, gives the first Greek inscription in which the names of Heliogabalus and Alexander occur. For their consulship cf. Bull. Comun., 1886, p. 268; cf. C. I. L. VI, 570, 3027; XV, 4115.

the terror it could inspire in the emperor and his helpers. Before this first rebellion, Heliogabalus would have ignored the soldiers, after that he dared not.

In connection with this first rebellion, the question of Alexander's position in the state after that event must be considered. Groebe[1] holds the view that after this, Alexander was associate emperor. He bases his theory on the military diploma, no. lxxxv, coin 67 in Cohen, and the method of dating three rescripts in the Codex Justinianus.

The text of the military diploma is as follows:[2]

Inside.	Outside.
IMP· CAES· DIV	IMP· CAES DIV
SEVER· PII. NE	FIL· DIVI· SEV
AVG SACERDOS	M· AVRELLIVS· AN
ELAGABALI· PO	DOS· AMPLISSI
5 IMP CAES M	LI· PONTIF· MAX
II NEPO	IMP CAES· M· AU
	MAGNI· NEP
	SAIC

Groebe claims that the use of the titles Imp. Caes. with reference to Alexander, shows that he had some share in the imperial power. Mommsen himself at the time of the first edition[3] of the inscription held a similar theory. In taking this position he states clearly that he does it because of lack of evidence to support the opposite view. Further, the names of the Caesars were not, as far as he then knew, included in such documents before the time of Diocletian. This hypothesis, he thinks, may account for the insertion of the name of Alexander in an inscription of Marcus Aurelius and Commodus[4] in such a way as to make it seem that both of Maesa's grandsons held the title Augustus.

[1] Pauly-Wissowa, R. E., vol. 2, p. 2529.
[2] C. I. L. III, p. 892.
[3] C. I. L. III, p. 892.
[4] C. I. L. VI, 1016 C.

By the time of the appearance of the second edition[1] of the inscription, Mommsen had entirely changed his view. A diploma[2] of 246 had been found in which the Caesar's name appeared. The titles Imp. Aug. were found to have been often given to the Caesars of the third century.[3] The insertion of Alexander's name in the inscription mentioned above proves nothing. Groebe's theory then is in direct contradiction to the evidence which Mommsen collected later.

The coin[4] mentioned above does, it is true, give Alexander the title Aug., but he is not represented as wearing the usual insignia of the imperial office, the laurel wreath. On this account the coin can hardly be considered conclusive.

The fact that certain rescripts issued during the early months of 222 are dated *Alexandro A. Cons.* does not prove what Groebe wishes it to, as this list[5] will show:

iii Non. Febr. Alexandro A. Cons. (9, 1, 3.)
xi Kal. Mart. Antonino et Alexandro Conss. (4, 44, 1.)
viii Id. Mart. Alexandro A. Cons. (8, 44, 6.)
xiii Kal. Apr. Antonino et Alexandro Conss. (4, 50, 2.)
Kal. Oct. Antonino IIII et Alexandro Conss. (4, 24, 2.)
Kal. Oct. Alexandro A. Cons. (9, 1, 5.)
vi Id. Dec. Antonino et Alexandro Conss. (4, 24, 3 and 5, 12, 3.)

Groebe makes two errors; he does not notice that one of the three rescripts which he claimed as evidence (4, 44, 1) is dated *Antonino et Alexandro Conss.*, and overlooks the

[1] C. I. L. III, p. 1998.
[2] C. I. L. III, p. 2000, d. LXXXIX.
[3] Mommsen, Staatsrecht, vol. 2, ed. 3, p. 1164.
[4] Cohen, vol. 4, p. 408, no. 67. The reverse is precisely like that of other coins struck during the time when Alexander was Caesar.
[5] From the index of the Codex Justinianus, p. 491.

fact that as late as December 8, 222, the names of both Heliogabalus and Alexander are used.

It seems clear that Groebe has drawn his conclusion on insufficient evidence.[1]

2. DOWNFALL AND DEATH OF HELIOGABALUS

Not long after Heliogabalus had assumed the consulship with his cousin, he again began to plot.[2] When the soldiers learned that the emperor was violating his agreement, they once more rebelled.[3] In the hope of appeasing their anger Heliogabalus went to the camp with Alexander. Here the soldiers[4] received Alexander with great joy, while Heliogabalus was passed over with marked discourtesy. The exact cause of the final outbreak which resulted in the death of Heliogabalus is not wholly clear. Dion[5] tells us that it was precipitated by the disagreement of the mothers of the two lads; Herodian[6] states that when Heliogabalus ordered those who had been most prominent in welcoming Alexander to be arrested, their fellows promptly mutinied. After all the two stories do not contradict each other. When one remembers how Mamaea had been plotting against her sister's son in order to further the interests of her own[7] child, one can readily see how such a state of affairs as Herodian describes might lead to an open quarrel. Under such circumstances, the sympathy of the soldiers would be wholly on the side of Alexander. Because of their knowledge that Heliogabalus was again attempting to take his

[1] Brit. Mus. Cat., Alex., p. xix.
[2] Dion 79, 20, 1.
[3] Dion 79, 20, 1.
[4] Herodian 5, 8, 13-14.
[5] Dion 79, 20, 1.
[6] Herodian 5, 8, 15-16.
[7] Cf. p. 99. Some think that in the inscription published in the Bull. Inst. Arch., 1884, p. 27, the escape of Alexander on one of these occasions is referred to.

cousin's life, they might easily be moved to kill their unpopular emperor, so that they might place their favorite on the throne.

The cowardly nature of Heliogabalus which led him to submit to the dictation of the troops on the occasion of their former uprising, now prompted him to seek[1] safety in flight. Since his attempt was not successful he was dragged back to death. True to the promptings of his selfish spirit, he involved his mother in his ruin by clinging to her for protection.[2] Whether Soaemias would otherwise have suffered the same fate as her son one can not say; once dead, however, she shared in the indignities heaped upon him. Their bodies were dragged about the streets in the ghastly Roman fashion until the soldiers, tired of their sport, threw the body of Soaemias aside.[3] They took precaution that Heliogabalus should never receive the honor of burial by throwing him into the sewer. When this proved too small to allow the body to pass, they pulled it out, weighted it, and hurled it into the river.[4]

With the emperor, perished his boon companions, and those of his officers who seemed to have been most devoted to him.[5] Of the latter number were Aurelius Eubulus, torn to pieces by the mob, Fulvius (Diogenianus),[6] the

[1] Dion 79, 20, 2.

[2] Dion 79, 20, 2; cf. Herodian 5, 8, 16.

[3] Dion 79, 20, 2; Herodian 5, 8, 17-19 says that both shared this fate.

[4] Dion says the body of Heliogabalus was thrown into the river; Herodian, into the sewer leading to the river. Victor, Epitome 23, 6 gives the story told above which doubtless explains the variation.

[5] Dion 79, 21, 1; Herodian 5, 8, 16; cf. C. I. L. VI, 3839.

[6] P. I. R., vol. 2, p. 91. Borghesi says he is the same as Fulvius Diogenianus, P. I. R., vol. 2, p. 92; cf. Oeuvres, vol. 9, 356.

city prefect, and the two praetorian prefects. Nothing was omitted which could possibly be done to wipe out the memory of this reign. Even Elagabalus himself was sent back to Emesa as quickly as possible [1] and his temple reconsecrated to Jupiter.[2]

The time of the death of Heliogabalus has been made the subject of much discussion. This is in great part due to the difficulty of reconciling the variations in statements concerning the length of the reign of Alexander Severus. Wirth [3] decided that Heliogabalus was killed March 4; Stobbe [4] puts this event as early as January 5 or 6. The editors of the Prosopographia,[5] Groebe [6] in his work on Alexander Severus, and Salzer,[7] all agree that Dion's date, March 11, 222, is correct. This is the view of Rubensohn [8] who explains the matter thus: There are two sets of fig-

[1] Dion 79, 21, 2. Since a coin of Uranius Antoninus struck at Emesa in 254 (Hunt. Coll., vol. 3, p. 198) shows Elagabalus in the temple at Emesa, it is clear that this is true; cf. Habel, Zur Geschichte des in Rom von der Kais. Elagabalus u. Aurelianus eingefuehrten Sonnenkultus, p. 97; Herodian 6, 1, 3. Since the name of Elagabalus is erased in C. I. L. VII, 585 it is clear he shared in the downfall of his priest. However, the star, the symbol of the god, is seen on some of the coins of Alexander struck during the early years of his reign; cf. Cohen, vol. 4, nos. 11, 146, 201, 223, 237, 535, 559, all from 222 or 223.

[2] Cohen, vol. 4, p. 411, n. 102. Besides Heliogabalus himself, the only other priest of Elagabalus known to us is T. Julius Balbillus, who was previously a priest of the sun (Wissowa, op. cit., p. 303) and added this new priesthood to his former duties; cf. C. I. L. VI, 708, 2269, 2270.

[3] Wirth, op. cit., p. 16.

[4] Stobbe, Tribunat der Kaiser, Philol., vol. 32 (1873), p. 57.

[5] P. I. R., vol. 1, p. 194.

[6] Pauly-Wissowa, R. E., vol. 2, p. 2529.

[7] Salzer, Die syrischen Kaiser, pt. 1, p. 42, n. 157.

[8] Hermes, vol. 25 (1890), pp. 340 ff. especially p. 345.

ures for the length of the reign of Heliogabalus preserved to us. One, those of Dion, the other, those given in the Chronicle of 354 and the Liber Generationis. Dion's[1] figures are 3 years, 9 months and 4 days, the other set is found in two forms, vi years, viii months and xxviii days in the Liber Generationis[2] and vi years, viii months and xviii days in the Chronicle.[3] Since iii and vi are easily confused, the error in the number of years is merely apparent. The difference between Dion's 9 months and the viii months of the Latin sources is due to the omission of one stroke. The confusion in the number of days is due to the omission of an x in the Chronicle. The duration of the reign of Heliogabalus then according to these figures is 3 years, 9 months, and 28 days. Dion's figures added to June 8, 218 give March 11-12, 222, those of the Chronicle added to May 16, 218, the date of the proclamation of Heliogabalus, give March 14, 222. In consequence, Rubensohn thinks both these dates are but different ways of referring to the same time. It also seems possible to him[4] that the figures given by the Chronicle and the Liber Generationis may have originally been 27 instead of 28 days, thus bringing the two systems of reckoning still nearer together.

While this theory works out very nicely, it fails to take into account a statement found in the life of Alexander Severus,[5] that *a. d. pridie nonas Martias* the senate received their new emperor with acclamations. While the statement, because of the limitation of the material used in this chapter, can not be considered as evidence, one can not

[1] Dion 79, 3, 3.

[2] Mon. Germ. Hist., Auct. Antiq., vol. 9, p. 138. It is here given iii; cf. Rubensohn, p. 347 where it is also given 3 years in the table.

[3] Mon. Germ. Hist., Auct. Antiq., vol. 9, p. 147.

[4] Cf. Rubensohn, op. cit., p. 345.

[5] Alex. Sev., 6, 2 f.

overlook the fact that if one adds[1] the 3 years, 8 months, and 28 days given above, to June 8, 218, he gets March 6, 222, as the date of the death of Heliogabalus. It seems extremely probable then that there was some source for this statement. Another curious circumstance is this: Heliogabalus met Macrinus 20 miles south of Antioch, probably late in the day.[2] Since Emesa was 123 miles from Antioch, if Heliogabalus proceeded at the usual rate, 20 miles per day,[3] he was from 5 to 6 days on the march, according to the time when news of the retreat of Macrinus from Apamea reached him.[4] Assuming then that he left Emesa June 2 or 3, and that previous to his departure he issued a proclamation of his assumption of the imperial power, we would get June 2, 218, as the approximate date of this proclamation. Adding to this Dion's 3 years, 9 months, 4 days, we have March 6, 222, as the date of the death of Heliogabalus. If the hypothesis is sound, Dion's statement, that Heliogabalus ruled 3 years, 9 months, and 4 days *from the battle in which he gained supreme control* must have been made thoughtlessly, or because Dion, in writing followed sources which reckoned from the battle although he had reckoned his chronology according to a different system.[5]

[1] This point was brought to light by Professor Sanders, who also suggested the possibility of reconciling the two statements.

[2] Dion 78, 37, 3. If the battle began early in the day, how can one explain how such cowardly troops continued to fight until late in the evening, Herodian 5, 4, 12?

[3] Vegetius, Epit. rei milit. 1, 9. [4] Cf. pp. 52, 53.

[5] It might even be possible that Dion had thought of the death of Julianus as decisive. Because there is no evidence to show how long after his troops deserted Julianus was captured and killed (cf. pp. 51, 52), it is not possible to show when Heliogabalus learned of it. In all probability, he received this news not far irom June 1/2.

In view of the nature of the sources[1] preserved to us, it is impossible to state positively that the death of Heliogabalus occurred March 6, but this is certainly the earliest date possible without doing violence to the evidence. It may be that the later date is correct, although the earlier seems more probable.

The statement in Eutropius[2] about the length of the reign of Heliogabalus, as said above,[3] refers to the time the emperor was in Rome. Eutropius' figures, 2 years and 8 months, are repeated in the Epitome[4] exactly, and in round numbers in Victor's[5] 30 months. Because of their very general nature they are of no help here.

[1] Curiously enough the name of Heliogabalus is found in inscriptions as consul even after his death. C. I. L. VI, 1454 gives Alexander, sole consul; but in VI, 570, set up on the same day, April 13, both consuls appear; so also in VI, 3015 set up in July, 222. This fact and the use of the name of Heliogabalus in dating the decisions of that year (cf. p. 102), leads one to think that Heliogabalus was not so generally condemned as the historians claim.

[2] Eutropius 8, 22.

[3] Cf. p. 75.

[4] Victor, Epitome 23, 1.

[5] Victor, De Caes. 23, 2.

CHAPTER II

CRITICAL STUDY OF THE LIFE OF HELIOGABALUS

It can be seen, from even a casual reading, that the life of Heliogabalus is made up of three parts:

1. Dedication of the life to Constantine and addresses to him, Chapters 1, 1-3; 2, 4; 34; 35.

2. A history of the reign of Heliogabalus, Chapters 1, 4-2, 3; 3, 1-18, 3.

3. An almost exclusively biographical portion, Chapters 18, 4-33, 8.

Even if the limitations of time and space did not forbid the discussion of parts 1 and 3, such an attempt would be impractical. To reopen the discussion of the imperial dedications at this time would be fruitless. The meager material given by other sources in support of the statements made in part 3 render an analysis of that part unwise. The aim of this chapter then will be to show that the second part of the life[1] (1, 4-18, 3) is composed of five sections differing in value and the method of using sources:

Section I. Chapters 1, 4-2, 3: The accession of Heliogabalus. Discussion of his various names. Certain supplementary bits of fact.

Section II. Chapters 3, 1-4, 4: Announcement of the accession of Heliogabalus at Rome. Arrival at the capital. First steps in his policy of government.

Section III. Chapters 5, 1-12, 4: History of his reign.

Section IV. Chapters 13, 1-17, 2: Account of the downfall and death of Heliogabalus.

Section V. Chapters 17, 3-18, 3: Appendix.

[1] This will for brevity be called the "Life."

Before discussing the historical value of any of these, it is necessary to determine the relation of the "Life," as a whole, to the Chronicle used by Victor and Eutropius. After a consideration of the three together, Enmann[1] decided that the "Life" of Heliogabalus showed no trace of the use of this source. Since, however, it is clear from a hasty comparison of the three, that the Chronicle has been used by these writers in a very uncritical manner, it seems fairer to study the "Life" with each of these separately:

Vita Heliogabali.	Victor.	Eutropius.
1, 4. Bassiani filius diceretur.[2]		8, 22. hic Antonini Caracallae filius putabatur.
2, 3. (Macrinus) qui saevissime cum filio luxurioso et crudeli exercuit imperium.	22, 3. horum nihil praeter saevos atque inciviles animos interim reperimus.	
2, 3. hic fertur occiso Macrini factione patre, ut dicebatur, Antonino in templum dei Heliogabali confugisse, velut in asylum, ne interficeretur, a Macrino.	23, 1. patre mortuo, in Solis sacerdotium, quem Heliogabalum Syri vocant, tamquam asylum, insidiarum metu confugerat.	
3, 1–3. (Heliogabalus) nanctus imperium Romam nuntios misit, excitatisque omnibus ordinibus, omni etiam populo ad nomen		8, 22. Is cum Romam ingenti et militum et senatus expectatione venisset, probris se omnibus contaminavit.

[1] Enmann, Eine verlorene Geschichte der roem. Kaiser, Philol., supplb. 4 (1883), p. 374. This source is referred to as the Chronicle.

[2] Cf. Heliog. 2, 1-2.

Vita Heliogabali.	Victor.
Antoninum —— ingens eius desiderium factum est— denique ubi in senatu lectae sunt litterae Heliogabali, statim fausta in Antoninum et dira in Macrinum eiusque filium dicta sunt, appellatusque Antoninus princeps volentibus cunctis et studiose credentibus ——,	
3, 4. Heliogabalum in Palatino monte iuxta aedes imperatorias consecravit eique templum fecit.	23, 1. translato Romam dei simulacro, in palatii penetralibus (palatia) constituit.
5, 1. (Alexander) quem Caesarum senatus Macrino interempto appellaverat.	23, 2. (Alexander) quem, comperta Opilii nece, Caesarem nobilitas nuncupaverat.

It is clear that the similarities between the "Life" and Eutropius are few. In the second instance cited above (Heliog. 3, 1-3 and Eutrop. 8, 22) it is not so much the words, as the fundamental idea which one can compare. This appears in Eutropius in its lowest terms, in the "Life" it has been expanded by the Scriptor. A comparison of Victor and the "Life," however, shows four points of similarity entirely different from anything in Eutropius. The indication of a closer relation between the two writers is supported by a comparison of Victor and Eutropius which shows these striking differences between them:

Victor, De Caesaribus.	Eutropius 8.
22, 1. dehinc Opilius Macrinus, qui praefecturam praetorio gerebat, imperator, eiusque filius, Diadumenus nomine, Caesar——appellabatur.	21. deinde Opilius Macrinus, qui praefectus praetorio erat, cum filio Diadumeno facti imperatores—
22, 2. adolescentem Antoninum vocavere.	
22, 3. horum nihil praeter saevos atque inciviles animos interim reperimus.	
23, 1. Bassiano genitus.	22. Antonini Caracallae filius putabatur.
translatoque Romam dei simulacro in palatii penetralibus (palatia) constituit.	
23, 2. (Alexander) quem comperta Opilii nece, Caesarem nobilitas nuncupaverat.	23. Alexander, ab exercitu Caesar, a senatus Augustus— .

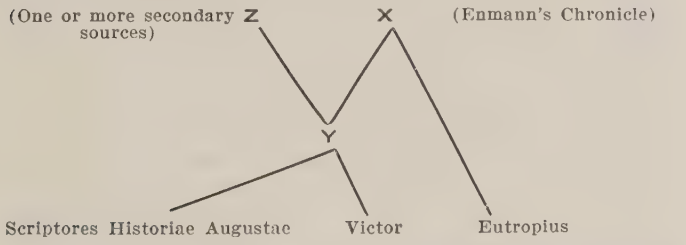
The reason for this relation is revealed by a study of certain passages, including the examples last cited, that describe the manner in which Alexander received his title Augustus.

Victor, De Caesaribus.	Eutropius.
23, 2. haec cum augerentur in dies, ac magis magisque Alexandri *quem*, *comperta Opilii nece*, *Caesarem nobilitas nuncupaverat*, amor cumularetur, *in castris praetoriis* tricesimo mense oppressus est.	8, 22. (Heliogabalus) impudicissime et obscenissime vixit, biennioque post et octo mensibus tumultu interfectus est militari et *cum eo mater Symiasera.*
24, 1. statimque Aurelio Alexandro, Syriae orto, cui duplex, Caesarea et Arca, nomen est, *militibus quoque annitentibus*, Augusti potentia delata.[1]	23. successit huic Aurelius Alexander, *ab exercitu Caesar*, *a senatu Augustus* nominatus ——.

[1] Enmann, op. cit., p. 352.

Traces of alteration of the common source are clearly seen in Victor's version of both these passages. He gives more unessential details, but his story is not so clear as that of Eutropius. The latter states concisely from whom Alexander received both his titles, the former implies that the lad received the title Augustus from some source other than the army. Victor's account of the manner in which Alexander received the title Caesar breaks the sequence of events which both authors elsewhere observe with considerable consistency, and has the added disadvantage of being false. The only logical explanation of this state of affairs is an alteration of the common source. Since the results of such an alteration would be seen in more places than one, it is fair to conclude that the differences mentioned above are due to this cause.

The question now is, to whom are these alterations due? The greater number of points of similarity between the work of Victor and the "Life" suggests some relation between the two. To assume that some lucky chance led both to select the same sources, and, independently, to add the same supplementary matter in the same places, is absurd. It is much simpler and more reasonable to think that both Victor and the Scriptor used a revised form of the Chronicle. The relation would then be:[1]



[1] Since this was put in form the following passage in Klebs, Die Sammlung der S. H. A., Rhein. Mus., vol. 45 (1890), p. 8

Further, one can not overlook the fact that, except for a few fugitive bits, probably inserted in various places, all resemblance between the "Life" on one hand and Eutropius and Victor on the other, ceases after chapter 3, 4. Since this is precisely the point where the Scriptor would insert his account of the reign of Heliogabalus into the scanty Chronicle,[1] the situation need occasion no surprise.

A comparison of the "Life" and the Epitome assigned to Victor shows a slightly different situation. Similarities between the two are found in the following places:[2]

Vita Heliogabali.	Victor's Epitome.
1,6	23,2
2,1	23,1
(3,1	23,3)
6,5	23,3
7,1–2	23,3
(17,1b–2	23,6)

It is stated[3] that the agreement between the "Life" 3, 1 and the Epitome 23, 2 is due to the use of Eutropius.[4] The relation between 17, 1b-2 of the "Life" and the Epitome, 23, 6 is not so easy to determine. The similarity, as will be seen, is too striking to be accidental, but must be explained by the use of a common source.

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462 came to light. After commenting on various resemblances and differences between the work of Victor and Eutropius he adds, "The only possible explanation is that the same original account existed in several forms of varying prolixity, and with different additions and changes."

[1] Cf. Mommsen, Die S. H. A., Hermes, vol. 25 (1890), p. 261. In his view the Chronicle contained little more than Eutropius and Victor took.

[2] Since all of these similar passages except the two which will be especially commented on fall in the poorer part of the "Life," it has not seemed worth while to give the Latin for all.

[3] Cf. Lécrivain, Études sur l'Histoire Auguste, p. 440.

[4] Eutropius 8, 22.

Vita Heliogabali 17,1b–2.

tractus deinde *per publicum.* addita iniuria cadaveri est, ut id in cloacam milites mitterent sed *cum non cepisset cloaca fortuito*, per pontem Aemilium *adnexo pondere, ne fluitaret, in Tiberim abiectum est, ne umquam sepeliri posset.*

Victor, Epitome 23,6.

huius *corpus per urbis vias*, more canini cadaveris, a militibus *tractum est*, militari cavillo appellantium indomitae rabidaeque libidinis catulam Novissime *cum angustum foramen cloacae corpus minime reciperet*, usque ad Tiberim deductum, *adiecto pondere, ne unquam emergeret, in fluvium proiectum est.*

Just what the source was from which both the "Life" and the Epitome drew this statement can not be determined. It is, however, worth while to consider in this connection the theory[1] sometimes advanced, that the Epitome drew from that part of Ammianus Marcellinus which is now lost. The high grade of this part of the "Life" suggests that it may well have been drawn from some good, connected source.

In view of all these considerations, the following working hypothesis has been adopted. The Scriptor had an epitomized account of the life of Heliogabalus drawn from the Chronicle; out of this he wished to construct a long biography. Accordingly, he worked the first part over freely, adding material at will. To this he added a history of the reign compiled from various sources. In order to show how Heliogabalus reaped the fruit of his evil deeds,[2] the Scriptor added a complete account of the downfall and death of the emperor, fortunately from a good source. Various supplementary matters were bunched in an appendix. The result is the "Life" of Heliogabalus as it stands in the Scriptores.

[1] Enmann, op. cit., p. 404 f.; cf. p. 140 ff. below.

[2] The life of Heliogabalus is certainly a foil to that of Alexander. The latter Peter, Die S. H. A., p. 247 characterizes as a panegyric.

SECTION I. CHAPTERS 1, 4-2, 3

THE ACCESSION OF HELIOGABALUS. DISCUSSION OF HIS VARIOUS NAMES. CERTAIN SUPPLEMENTARY BITS OF FACT

Chapter 1, 4: At first glance, it is clear that the Scriptor, contrary to custom,[1] has omitted all statements concerning the youth and ancestry of Heliogabalus, and the circumstances under which he received the imperial power.

In addition to this noticeable difference it will be seen that the opening sentence contains three statements. Of these two are incorrect, the third incomplete:

Vita Helio. 1, 4.	Victor, De Caes. 22, 1.	Eutropius 8, 21.
igitur occiso Macrino eiusque filio Diadumeno, qui pari potestate imperii Antonini nomen acceperat, in Varium Heliogabalum imperium conlatum est, idcirco quod Bassiani filius diceretur.	Macrinus . . imperator, eiusque filius, Diadumenus nomine, Caesar a legionibus appellatur. 2 . . . . adolescentem Antoninum vocavere. 4 per quos creati fuerant, interfecti sunt. 23, 1. accitusque Marcus Antoninus, Bassiano genitus; qui, patri mortuo, in Solis sacerdotium, quem Heliogabalum Syri vocant,—confugerat, hincque Heliogabalus dictus.	Macrinus . . cum filio Diadumeno facti imperatores . . seditione militari ambo pariter occisi sunt. 22. Creatus est post hos M. Aurelius Antoninus. Hic Antonini Caracallae filius putabatur, sacerdos autem Heliogabali templi erat.

[1] Cf. Vita Hadriani 1, 1 f.; Helii 2, 7 f.; Pii, 1, 1 f.; etc., Schulz, Hadrian, p. 7.

The erroneous statement common to all three writers, that both Macrinus and his son had been put to death before Heliogabalus was chosen emperor, is precisely what one would expect to find in a work based on a barren epitome. Another error of a similar nature is the mistake made by Eutropius and the Scriptor in the time when Diadumenus received the imperial power.[1] The fact that Victor comes nearer to the truth is possibly due to the desire for brevity which prompted the other two to condense their statements still more than did the source before them. Eutropius and the "Life" also agree in stating the relationship thought to exist between Heliogabalus and Caracalla, as a hypothesis,[2] not as a fact. Here again, we see how meager the original must have been, otherwise why should Maesa, who invented this story to further her own ends, have been omitted? The two divergencies between Victor and the "Life" are in part offset by their agreement in giving Diadumenus the title Antoninus; Eutropius, on the contrary, neglects this point. The Scriptor's omission of the soldiers, the agents by whom the imperial power was given to Heliogabalus, is due to the clumsy division of the original into separate lives.[3] Taking the sentence as a whole, it is clear that it is based on the Chronicle. The clear, concise yet comprehensive statements show that the Scriptor is here on solid ground.[4]

Chapter 1, 5: It does not seem possible to assign this account of the priesthood of Heliogabalus and his assump-

[1] Cf. Macrin. 5, 1. *Statim denique arripuit imperium filio Diadumeno in participatum adscito, quem continuo, ut diximus, Antoninum appellari a militibus iussit.*

[2] Macrin. 7, 6 *Heliogabalus, qui se Bassiani filium diceret;* cf. the positive statement in two late portions of the life of Caracalla 9, 2; 11, 7.

[3] Cf. Macrin. 8, 1-2.

[4] This section and section 5 are curiously similar to Diadumenus, 9, 4-6.

tion of the name Antoninus to the same source as section 4, since the finished brevity of that sentence does not appear here. Further, the titles given the god are remarkable both from their variety and from their combination. The use of the barbarous form of the god's name, Heliogabalus, of itself characterizes the statement as of later origin. While it is true that in the official documents the god which Heliogabalus served was called *deus Sol Elagabalus* or *Invictus Sol Elagabalus,* the name Sol was merely a part of his title. The introduction of Sol as an alternative designation suggests the later syncretism.[1] The use of the title Jupiter with the other two[2] is also peculiar. While the tendency of the Romans to identify the leading local divinity of any city with Jupiter needs no comment, it is extremely doubtful if Elagabalus ever received that honor, partly because of the brief duration of his supremacy, partly because of the antagonism aroused by his priest's contention that he was superior to the other gods. This peculiar combination does not seem to have occurred outside the Scriptores. Because of these peculiarities, the section seems to have been of later origin. The alternation of motives for the assumption of the name Antoninus suggests the use of more than one source, and consequent confusion in the mind of the Scriptor. The passage is probably the work of the Scriptor who seems to be here attempting to explain the name Antoninus, a title which assumed great importance in the minds of the ancients.

[1] Dion's words 'Helios whom they call Elagabalus' are rather intended to be explanatory than to name the god. Jupiter becomes a sort of common title for all ideas of divinity (Reville, op. cit., p. 30); in the later empire (p. 71) all Oriental gods became different personifications of one solar divinity.

[2] Cf. 17, 5, and Carac. 11, 7 where the writer has confused the emperor and his god.

Chapter 1, 6-7: These sections contain a further explanation of the emperor's titles. The fact that the name Varius, found only in the Scriptores and the Epitome, comes first would imply that it was used by the lad in childhood. The title Heliogabalus is put second, but since there is no evidence to show that this was given him until after his death, its use in this place is in direct violation of chronological sequence. Last of all stands the name Antoninus, said to have been given the emperor at his accession. Its introduction here is, in a way, a repetition and a contradiction of section 5.[1] A further instance of this duplication is seen in the statement in both sections that Heliogabalus was priest of the god from whom he derived his name. In view of all these things, it is clear that these two sections can not come from the same source as 1, 4.

Beside these less important inconsistencies, the passage is chronologically inaccurate. If it is drawn from the same source as 3, 4, why should the Scriptor anticipate his account of the emperor's arrival at Rome, of the introduction of his god, and of the temple prepared for it? As the sentence now stands the clause *in quo aedes Orci fuit* not only throws no light on the location of the shrine,[2] but gives *quem* a false antecedent. It is clear that this is not connected with chapter 3; its relation to chapter 2 will be discussed later. The total absence of the clear cut statements found in 1, 4 is conclusive proof that it is not

[1] Cf. 1, 5; *Antonini sibi nomen adsciverat*, and 1, 7, *Antoninus appellatus.*

[2] Lécrivain, op. cit., p. 201, thinks this a later interpolation. The truth of this theory it is for those who know the Scriptores as a whole to decide. Since nothing is known of the temple of Orcus this reference gives no light; cf. Gilbert, Geschicht. u. Topogr., vol. 3, p. 114; Wissowa, Religion u. Kultus d. Roemer., p. 188 f.; Homo, Lexique de Topogr., p. 611; Richter, Topographie d. Stadt Rom.[2] p. 141.

from the Chronicle which lies at the basis of this part of the life. These sections are the work of the Scriptor, possibly a clumsily constructed epitome of some longer source, from which the words *prius, post, postremo* were drawn.

Chapter 2, 1-2: The account of the character and influence of Soaemias given in these sections is plainly biographical. The prominence which is here given to her also comes to light in chapter 4, and in 18, 2b, but nowhere else either in the life itself, or in better histories of the period.[1] Its use here is enough to mark this portion as being of later origin, and probably from a still different source. A careless writer who wrote without a first hand knowledge of the time, and knew that Soaemias was related to Domna and Mamaea, might have thought that she had been as prominent in the affairs of state as they were. The contradiction between this and 12, 3 and 15, 6 shows the composite origin of the life. Lécrivain[2] explains the name Symiamira as a possible corruption of Soaemia Syra. Perdrizet,[3] on the contrary, thinks that this was derived from the name of the Semitic goddess Simea, and the word marat (mistress) and meant "Simea is mistress."

Chapter 2, 3: The similarity[4] between this section and a passage in Victor already mentioned presents a peculiar problem. Since both these accounts imply that the life of Heliogabalus was in danger at the time of Caracalla's death because of the cruelty of Macrinus and his son, it seems best to ascertain, if possible, how these rulers gained

[1] Cf. p. 40.

[2] Lécrivain, op. cit., p. 202; cf. Eutropius 8, 22.

[3] Perdrizet, Syriaca, Rev. Arch., vol. 32 (1898), pp. 40-41. The author thinks that the mother of Elagabalus may have had two names, Soaimis and Symiamira or Symiamyra.

[4] Cf. pp. 110, 111, 113.

such a reputation. Two chapters in the life of Macrinus, 11 and 12, are devoted to a rehearsal of his cruel deeds. These are, however, so plainly biographical that Lécrivain[1] pronounces them a tissue of absurdities, while Kornemann[2] passes them by in silence. In the life of Diadumenus, their downfall is attributed to the cruelty of the father. The doubtful character of this whole life, and the fact that this statement is based upon letters long since proven forgeries[3] do not incline one to accept the story. The general character of the charges of cruelty leads one to think that they originated from later exaggerations of the attempt made by Macrinus to restore discipline in the army.[4] The story of his hostility toward the family of Caracalla, which is in direct contradiction to Dion,[5] is also probably late in origin.

The doubtful character of the reason for the flight of Heliogabalus casts doubt on the reliability of the whole. It remains to notice the variation between *templum* and *sacerdotium*.[6] A common source for the two passages is certain; the close resemblance to Victor shows that the Scriptor is here again relying on the Chronicle. Of the two, Victor is more likely to follow his source at this point than the Scriptor who seems to have supplemented the Chronicle by wider reading.

In this first part then, we find that the main source, the Chronicle, has been greatly diluted by the Scriptor in the hope of adding life and interest to the barren epitome of

[1] Lécrivain, op. cit., p. 188.

[2] Kornemann, Kaiser Hadrian und der letzte grosse Historiker, p. 83.

[3] Peter, op. cit., p. 219 f.

[4] Cf. p. 43 above.

[5] Dion 78, 23, 2.

[6] Mordtmann, Zeitschr. Deut. Morgl. Gesellsch., vol. 31 (1877), p. 94, accepts both statements.

fact. The fact that the Scriptor felt that this portion of the life was purely introductory is clear from the words 4, 1 *sed ut ad Antoninum Varium revertamur.*

SECTION II. CHAPTERS 3, 1-4, 4

ANNOUNCEMENT OF THE ACCESSION OF HELIOGABALUS AT ROME. HIS ARRIVAL AT THE CAPITAL. THE FIRST STEPS IN HIS POLICY OF GOVERNMENT

Chapter 3, 1-3: The beginning of continued narrative marks the return of the Scriptor to his main source, the Chronicle. Since the time is not specified, it is impossible to be certain whether the official communication referred to in the phrase *nanctus imperium Romam nuntios misit* was supposed to have been sent directly after the proclamation of Heliogabalus on May 16, or after the victory over Macrinus, June 8.

The statements *Romam nuntios misit, -se Antonini Bassiani filium scripsisset—, in senatu lectae sunt litterae Heliogabali statim fausta in Antoninum et dira in Macrinum eiusque filium dicta sunt* are all in direct agreement with statements in Dion and Herodian.[1] In marked contrast to this agreement in all the essential points of the story, is the direct contradiction between these writers and the Scriptor concerning the feeling toward Heliogabalus prevalent in Rome at that time. As has been said,[2] Eutropius agrees with the "Life" on this point. While the Scriptor tells us that the inclination of mankind to believe that the thing which they desire is true, led the senate and people to receive the news of the accession of Heliogabalus with joy, Eutropius emphasizes the welcome given him on reaching Rome. Both show how the emperor disappointed

[1] Dion 79, 2, 3-6; Herodian 5, 5, 2.

[2] Cf. p. 111 above.

these hopes. Eutropius states explicitly the manner in which he alienated the affections of the people; the Scriptor, on the contrary, implies this in his description of the way Heliogabalus neglected the affairs of state to provide for the interests of his god. Kornemann[1] considers the direct contradiction between the Greek and Latin writers as characteristic of the "Anonymous." Without denying the truth of this assertion, it is possible to show another reason for the presence of such a statement in Eutropius and the "Life." It is clear[2] that the Chronicle implied that the news of the death of Macrinus and Diadumenus and of the accession of Heliogabalus came to Rome at one and the same time. This would naturally lead anyone using it to think that no small amount of excitement would be aroused by such a state of affairs. Further, since there were then so many Syrians[3] in Rome, it would be equally strange if the accession of Heliogabalus brought joy[4] to no one, and if some statement of this fact did not find its way into the history of the period. Given such conditions, it would be easy for an epitomizer to lead people astray, and for the Scriptor to enlarge on his material in his desire to enforce the moral[5] of the blindness and folly of humanity. The fact that this moralizing tendency[6] runs throughout these sections leads one to think that here the Scriptor has worked over the material drawn from the Chronicle with a

[1] Kornemann, op. cit., p. 85.

[2] Cf. p. 116 above.

[3] Cf. p. 43 above.

[4] Cf. p. 74 above. Dion and Herodian probably represent the general popular sentiment. The feelings of the soldiers and the Syrian sympathizers with Maesa must be inferred.

[5] Cf. Leo, Die griech.-roem. Biog., p. 279, "The Scriptores have the moralizing tendency of Plutarch."

[6] Note section 2, and section 3 *ut sese—desiderant;* cf. 5, 2; 10, 1; et al.

definite purpose in mind; to contrast[1] the vicious worthlessness of Heliogabalus with the sterling character of Alexander.

Except for certain small bits inserted in material drawn from other sources, the Scriptor parts company with the Chronicle at this point.

Chapter 3, 4-4, 4: In the account of the conduct of Heliogabalus during his first days in Rome, the change of source is not apparent at first sight since the material is arranged in chronological order. A little closer examination reveals several peculiar things. The verbal order is complicated. One would naturally expect that the words *in Palatino monte iuxta aedes imperatorias* would be used to designate the location of the temple rather than to tell where any ceremony in honor of the admission of Elagabalus to the Roman pantheon took place. This arrangement is probably due to the clumsiness of the Scriptor, who seems to have drawn the phrase from the Chronicle[2] and woven it into his new source. The words *studens-coleretur* carry on the idea of his extreme devotion to the rites of his god from the first part of the section. Further, the *ubi primum* in 3, 4 balances the *deinde ubi primum* of 4, 1. The style and subject matter are wholly different from the Chronicle. Contrary to the method of that work which reduced the story of the accession of Heliogabalus to its lowest terms, one finds mythological problems of less importance dwelt on at length. Finally, both in 3, 4-5 and 4, 1-4, one finds a spirit[3] of hostility toward Heliogabalus and his mother which comes to light at every turn. The emperor's neglect of the affairs of state to provide for his

[1] Kornemann, op. cit., p. 110.

[2] Cf. Victor, De Caes. 23, 1, *translato Romam dei simulacro, in palatii penetralibus (palatia) constituit.*

[3] Cf. 18, 2b.

god, his presumption in putting that divinity first, his interference with long established cults to do honor to Elagabalus, his presumption in bringing his mother into the senate are all dwelt on. The prominence which Soaemias is given recalls at once 2, 1-2. Here also is seen the same spirit of hostility in the discussion of the foolish activity of the Senaculum. Because of this hostility and the unwarranted prominence given Soaemias, it is clear both that we are here dealing with the same source as in 2, 1-2, and that this is not the Chronicle.

In chapter 3, 4-5: The statement *ubi primum ingressus est urbem—templum fecit* is practically identical with Herodian's[1] account of the building of the temple. There is this difference between the two stories: while Herodian recognizes as absolutely necessary an interval between the arrival of the emperor and the building of the temple, the Scriptor totally disregards the question of time. The location of this edifice on the Palatine[2] agrees with the inferences drawn from other authors. How far the statement that it was *iuxta aedes imperatorias* can be accepted literally is a question.[3]

The account here given of the wrongs which the cults of the other gods suffered at the hands of Heliogabalus, bears obvious traces of inaccuracy. While it was, of course, natural that Heliogabalus should wish his god to take precedence, there are good reasons[4] for thinking that he did not begin to encroach upon the worship of other divinities until 220. Since Caelestis was identified with Magna

[1] Cf. p. 79 ff.; Herodian 5, 5, 15.

[2] Cf. p. 80.

[3] Richter, Topogr. der Stadt Rom.[2] p. 141; cf. Plate 13, opp. p. 132; in which F represents what is thought to have been the temple.

[4] Cf. p. 83.

Mater,[1] the reference to the transfer of *Matris typum* brings to mind the second marriage arranged for Elagabalus. Inasmuch as this probably did not occur until 221,[2] this account is not chronologically correct. The transference of the fire of Vesta and the Palladium of course refers to the first marriage arranged for Elagabalus, probably some time late in 220 or early in 221.[3] From the evidence given here only it is not possible to say that the worship of Vesta was transferred to the Eliogabalum.[4]

The description of his attitude toward the Jews and the Christians in section 5 introduces a new element. Because of his exclusive devotion to the cult of his god, there is little reason to think that Heliogabalus would be likely to have concerned himself much with the sects here mentioned. Kornemann[5] is undoubtedly right in attributing this statement to later influence. Whether it is inserted, as he thinks, is not so clear.

In chapter 4, 1-2: The statement that Heliogabalus brought his mother into the senate as an active participant in the business of that body is regarded very differently by Kornemann and Lécrivain. The former[6] is certainly right in thinking it an error which stood in the source used by the Scriptor at this point, but not in 12, 3. Lécrivain[7] would accept it as correct, because from Dion[8] we learn that Soaemias was present in the senate at the time of Alexander's adoption. This, however, proves nothing, for Dion often mentions variations from the usual order of

[1] Cf. p. 92.
[2] Cf. p. 89.
[3] Cf. p. 85.
[4] Cf. p. 80.
[5] Kornemann, op. cit., p. 84.
[6] Kornemann, op. cit., p. 85, n. 4 and Heliog. 15, 3.
[7] Lécrivain, op. cit., p. 202.
[8] Dion 79, 17, 2.

events.[1] Further, from Xiphilinus' version, one can not be certain just how the original treated this subject. All the evidence from reliable sources gives Soaemias a subordinate position.[2]

In chapter 4, 3: The question of the *senaculum* and the *conventus matronalis* is one of peculiar interest. The first of these is practically[3] unknown in connection with an assembly of women. Mommsen[4] thinks that this name was probably given because it suited the emperor's caprice to endow the organization with political meaning. The case of the *conventus matronalis* is quite different. Friedlaender[5] cites evidence for the existence of such an organization in early republican times. In 394 B. C.,[6] a body of matrons voted to devote their jewels to help raise the tithe which the state had voted to set apart from the spoils of Veii. In 209 B. C.[7] the matrons within a circuit of ten miles from Rome assembled, in consequence of certain terrible omens, to decide on the necessary expiation. Seneca[8] in his De matrimoniis refers to a *conventus feminarum*. Suetonius[9] tells us that Agrippina, the mother of Nero, was reproved *in conventu matronarum*. Hieronymus[10] counts among the distractions of life in Rome, the

[1] In 78, 16, 5 he calls attention to the fact that certain letters were read to the senate by a praetor because the quaestors were absent; in 37, 5 he speaks of the unusual circumstance of a tribune calling the senate together.

[2] Cf. p. 4; Kornemann, op. cit., p. 112.

[3] Cf. Aurel. 49, 6.

[4] Mommsen, Staatsrecht, vol. 3, p. 914, n. 4.

[5] Friedlaender, Sittengesch., ed. 5, vol. 1, p. 422.

[6] Livy 5, 25.

[7] Livy 27, 37.

[8] Haase ed., vol. 3, p. 428, sec. 49.

[9] Galba 5.

[10] Hieronymus, Epistulae 43.

daily attendance upon the *matronarum senatus*. The existence of such a body can not be doubted. It is entirely possible that it might have suited Heliogabalus to give his mother this quasi-political function by way of offset for her lack of participation in the government.

Another interesting point is raised by the words *veteres imperatores*. It seems to have been the custom that women who received this honor[1] should bear the title *consularis femina*. Since this title makes its appearance late,[2] possibly after Ulpian, the phrase in question shows that the source from which it was drawn must have been written late in the third century.

In section 2 then, two sources are used. The first of these is the Chronicle, the other a later, fuller and much less valuable record, which is bitterly hostile to both Heliogabalus and Soaemias. Because of the hostility and the faulty chronology of this source, no statement can be based on it alone.

SECTION III. CHAPTERS 5, 1-12, 4

THE HISTORY OF THE REIGN OF HELIOGABALUS

If the use of the Chronicle as chief source ends with 3, 3; why then is 5, 1 taken as the beginning of section 3? Partly because of the manner in which the Scriptor has woven together the two sources used in section 2, partly because certain elements found throughout the section

[1] A woman who married a man of lower rank lost her supremacy (Mommsen, Staatsrecht, vol. 3, p. 468, n. 3; Friedlaender, op. cit., vol. 1, ed. 5, p. 422; cf. Dig. 1, 9, 8), unless given the privilege of retaining it by imperial enactment (Dig. 1, 9, 12 such a privilege is given to Mamaea; Mommsen, op. cit., n. 4; cf. Dion 79, 15, 2.)

[2] Mommsen, Staatsrecht, vol. 3, p. 468, n. 3; cf. C. I. L. VIII, 8993; Hirschfeld, Die Rangtitel der roem. Kaiserzeit, Sitzungsber. der Berlin. Acad., 1901, p. 583.

appear in this chapter for the first time. Among these are all the biographical statements about Heliogabalus found in the "Life," an absolute lack of any means of designating time, and the absence of any sense of proportion in treating the material here presented. In the clearness of statement, this portion is far inferior to 1, 4 and 3, 1-3 which have been drawn from the Chronicle.

Chapter 5, 1: The chapter opens with a chronological blunder, for the Scriptor has put the winter which Heliogabalus spent at Nicomedia[1] nearly a year too late. This of itself is sufficient to show both that the Chronicle passed over this point,[2] and that the Scriptor depended on that work for the chronology of this reign. The story of this winter is told by both Dion[3] and Herodian.[4] While the cold blooded murder of Gannys, and the fanatical devotion which Heliogabalus showed to his god, of which these writers tell, would naturally rouse distrust of the new ruler, there is no reason to think that the soldiers turned to Alexander so early as this.[5] The confusion marks the inferiority of the source.

Since it has been implied (pp. 114 and 115) that this paragraph is not from the Chronicle, it is necessary to explain the resemblance of the clause *quem—appellaverat* to a statement in Victor.[6]

[1] Cf. p. 71.

[2] Note the silence of Eutropius and Victor about this period.

[3] Dion 79, 3, 2; 6; 7, 3.

[4] Herodian 5, 5, 3 f.

[5] Cf. p. 99 ff.

[6] Cf. p. 111. The statement in the Epitome, 23, 4, *hic Marcellum, qui post Alexander dictus est, Caesarem fecit* is not wholly clear. The name Marcellus is not given Alexander elsewhere. Cf. Polemius Silvius, Mon. Ger. Hist., Auct. Antiq., vol. 9, p. 521. *Sub quo Marcellus Caesar et —— tyranni fuerunt.*

Vita Heliogabali 5, 1.

(Because of his wicked deeds) statim milites facti sui paenituit, quod in Macrinum conspiraverant, ut hunc principem facerent, atque in consobrinum eiusdem Heliogabali Alexandrum, *quem Caesarem senatus Macrino interempto appellaverat*, inclinavere animos.

Victor, De Caesaribus 23, 2.

Haec (his evil deeds) cum augerentur in dies, ac magis magisque Alexandri, *quem, comperta Opilii nece, Caesarem nobilitas nuncupaverat, amor* cumularetur, in castris praetoriis tricesimo regni mense oppressus est.

The similarity between these two passages is not so striking as one would think at first sight. The statement of Victor refers to a sentiment which increased steadily throughout the reign of Heliogabalus, and finally resulted in his death; the sentence in the "Life," on the contrary, claims to describe the beginning of Alexander's popularity. The resemblance then is limited to the two relative clauses. Since it would be easy for the Scriptor to transfer a statement in this form from the Chronicle to his own work, it seems probable that the resemblance between the "Life" and Victor is to be explained in this way. It is not strange that the Scriptor should have accepted this story for it seems to have been quite generally believed.[1]

Chapter 5, 2-5: As has been said,[2] section 2 is an observation of the Scriptor's. The rest of the chapter is purely biographical and may be omitted.

Chapter 6, 1-2: The description here given of the custom followed by Heliogabalus of putting public offices up for sale agrees both with the character of the emperor and with the heavy drain his extravagances made upon a state al-

[1] It is interesting to notice that the same story is found in Macrin. 4, 1, a part which is evidently inserted (cf. Kornemann, op. cit., p. 82), and in Alex. Sev. 1, 2, although in the latter place the words *scilicit mortuo Macrino* imply that the Scriptor had heard some other version.

[2] Cf. p. 123, n. 6.

ready practically bankrupt. Because of its sweeping character, however, it can not be accepted, for we do not know that this was done during the whole of the reign of Heliogabalus.

Chapter 6, 3-4: The emperor's intimacy with the two charioteers is not only confirmed by Herodian,[1] but is entirely in keeping with what is known of Heliogabalus. Protogenes is not mentioned elsewhere, but in 12, 1 we are told that Cordius was made *praefectus vigilum*. The Prosopographia[2] identifies him with Gordius, the teacher of Hierocles, mentioned by Dion.[3]

Chapter 6, 5b-9: The allusion to the Vestal, who is of course Aquilia Severa, is the only allusion in the "Life" to any of the wives of Heliogabalus. This serves as an introduction to a discussion of his attack on the Vesta cult which is parallel to 3, 4. The charge of sacrilege brought against Heliogabalus for entering the sanctuary of Vesta is not easy to understand since, as *pontifex maximus*,[4] he had a right to do so. The offense to the mind of the original author must have consisted in the presence of the companions of Heliogabalus, or else later writers overlooked the fact that he held this office because of the predominance of the priesthood of Elagabalus.[5] Because of this inconsistency one can not accept the statements found here as evidence without careful consideration.

Chapter 7, 1-2: In this part of the "Life" is found a parallel to the statement in 3, 4 concerning the union of

[1] Herodian 5, 6, 14.

[2] P. I. R., vol. 1, p. 437.

[3] Dion 79, 15, 1.

[4] Preuner, op. cit., p. 315 ff., cf. p. 268; Wissowa, op. cit., p. 80; Domaszewski, op. cit., p. 61.

[5] Cf. C. I. L. III, d. LXXXIV, *sacerdos am[plis]simus dei invicti Soli Elagabali, pont[ifex ma]ximus*, etc. A similar order is seen in VII, 585.

Caelestis and Elagabalus. It is worth noticing that here the correct chronological sequence of these two marriages arranged for the god is observed.[1] The statement that Heliogabalus received the rite of the *taurobolium* is in no way incredible, since as priest of Elagabalus he would naturally wish to be initiated into the peculiar rites of the wife of that god.[2]

Chapter 7, 3: The allusion in this section is extremely obscure if one follows the Etymologicum Magnum in considering Salambo a name of the Semitic Aphrodite.[3] If on the contrary, one adopts the meaning given this word by later critics, "Likeness of Baal,"[4] the connection is fairly easy to trace. In that case, it refers to an image of the god set out for lamentation at some festival[5] observed annually in honor of the death of the divinity. This brings it into close contact with the rites in honor of Adonis and Attis. It would be in no way strange if some connection with one of these cults existed, either before Elagabalus came to Rome, because of the wide spread observance of the Adonis worship in the East,[6] or, failing that, was brought about later by the close connection between Magna Mater and Attis.[7]

[1] Cf. pp. 85, 89, and 126.

[2] Sayous, Rev. de l'Histoire des Religions, vol. 16 (1887), p. 150, attributes the emperor's participation in this rite to a desire to absorb all cults into that of Elagabalus; cf. p. 152, n. 2.

[3] Movers, op. cit., vol. 1, p. 585; Roscher, Lexikon, vol. 1, pt. 1, p. 73. Vallay (Rev. de l'Hist. des Rel., vol. 49, 1904, p. 160) considers that there was a goddess Salambo connected with the worship of Tammuz.

[4] Orelli, Algemein. Religiongesch., p. 238, n. 2; Smith, Rel. of the Semites, p. 411, n. 6; cf. 414 and 410.

[5] Orelli, loc. cit.

[6] Cf. p. 152.

[7] Cf. p. 152; Frazer, Adonis, Attis, and Osiris, p. 163.

Chapter 7, 4-5: The statement made in the first of these sections about the attitude which Heliogabalus assumed toward the other divinities might be the result of an exaggerated account of his wish to provide a wife for his god; whether it is so to be taken or not, the manifest impossibility of applying such a statement to the whole of the reign of Heliogabalus forbids one to take it seriously.

The story of the transference of the image of Diana of Laodicea is not so easy to account for, since it is impossible to determine whether this refers to a desire on the emperor's part to add still a third goddess to the cult of Elagabalus, or whether it is an obscure reference to the union arranged between Caelestis and Elagabalus. The latter theory can be supported by several pieces of evidence. Reville,[1] states that there was some association between these two goddesses. The connection, though indirect, can be traced in some such way as this. There were cult statues of Artemis Tauropolis at Laodicea ad Mare and at Hadrianopolis in Thrace,[2] both claimed by their worshippers as the original Tauric statue. After the time of Euripides,[3] Artemis Tauropolis was identified with the Tauric goddess. The Tauric goddess was likewise identified with Anahita.[4] Anahita was connected intimately with the Mithras cult, and was also identified with Artemis.[5] Such a chain of connections might lead to many interesting relations between these cults in the syncretistic period with which we are concerned. The chain is not, how-

[1] Reville, op. cit., p. 250.

[2] Wernicke, Artemis, Pauly-Wissowa, R. E., vol. 2, p. 1400. Orestias was later called Hadrianopolis, Smith, Dict. Geog., vol. 1, p. 1023.

[3] Wernicke, op. cit., p. 1375; cf. p. 1388.

[4] Wernicke, op. cit., p. 1370; cf. Cumont, Mithra, p. 18.

[5] Wernicke, op. cit., p. 1370.

ever, complete. There was also a statue of Artemis Tauropolis at Aricia,[1] hence the Diana of Aricia, whence the Roman cult of Diana was derived,[2] was connected with the Tauric Artemis.[3] Since Caelestis in Africa was often identified with Diana,[4] a connection might be traced in this way between the Diana of Laodicea mentioned in the life and Caelestis.[5]

Chapter 7, 6-10: This reference to Orestias is of course foreign[6] to the rest of the life. Lécrivain[7] considers that it was inserted by the second compiler. However, since the question of the number of people who busied themselves with the S. H. A. before the collection took its present form is purposely ignored here, it suffices to call attention to its secondary nature. It is interesting to remember that this is one of the passages which Peter[8] uses to determine the date at which these lives were written. According to his interpretation, the words *Orestam . . . civitatem, quam saepe cruentari hominum sanguine* point to the two battles fought near that city in 313 and 325. This view is, however, questioned by other critics.

Chapter 8, 1: Dion[9] also tells us that Heliogabalus offered human sacrifices to his god. This custom was so

[1] Wernicke, op. cit., p. 1400.

[2] Wissowa, Diana, Pauly-Wissowa, R. E., vol. 5, p. 332.

[3] Wissowa, op. cit., p. 330.

[4] Wissowa, op. cit., p. 338.

[5] The connection between this goddess and Caelestis is much less obvious than that between Caelestis and Magna Mater; cf. p. 92. The interesting thing about this Diana of Laodicea is the way in which she, too, is indirectly connected with the worship of Mithras.

[6] Kornemann, op. cit., p. 67, calls it an extract from a biographical source.

[7] Lécrivain, op. cit., p. 203.

[8] Peter, Die S. H. A., p. 32.

[9] Dion 79, 11, 3.

well established among Semitic peoples,[1] that the statement in the life would be credible even without Dion's support. The favorite victims of this kind were children,[2] preferably from noble families as is here stated. The horror which this would naturally arouse among the Romans is hinted at in the words *credo ut maior esset utrique parenti dolor.*

Chapter 8, 2: Considering the facts that Heliogabalus was an Oriental,[3] and that he lived in an age of extreme superstition,[4] it is not at all strange that he turned to those who practiced magic. The historical value of the passage is lessened by its sweeping statements.

Chapter 8, 3: This section tells a peculiar story. Of all the statements in the section, this alone gives any clue to the time when it occurred. However, since Heliogabalus took two consulships in Rome, it is not possible to tell whether the story refers to both occasions or to one special time, January 1, 220 or 222. The story here told resembles the account, given by Herodian, of his hurling[5] animals down from a tower or other high places. It may refer to an observance of a custom of sacrifice sometimes followed in the East.[6]

Chapter 8, 4-5: These sections furnish a parallel to 3, 3. While the hostility toward Macrinus and his son char-

[1] Smith, Rel. of the Semites, pp. 363, 372, 415; Frazer, Adonis, Attis, Osiris, p. 34.

[2] Smith, op. cit., p. 464-5; Maspero, Struggle of the Nations, p. 160. Among the Syrian races the gods had a prescriptive right to the first born man of each family. In time of national danger the kings and nobles furnished as many as possible.

[3] Reville, op. cit., p. 138; Smith, op. cit., p. 442.

[4] Reville, op. cit., Chap. 5, section 7, and pp. 22, 23, and 17. Note Dion's emphasis on omens.

[5] Herodian 5, 6, 21. [6] Reville, op. cit., p. 251 and 249.

acterized the early part of the reign of Heliogabalus, it is not likely to have been kept up throughout. His predecessors were entirely too unimportant, and had too slight a hold upon the people to make such a course necessary.

Chapter 8, 6-7: The biographical material here given may be omitted.

Chapter 9, 1-2a: At the first glance, the temporal conjunction and the use of definite names for the ruler and the peoples suggest the use of a better source[1] for this chapter. A close inspection shows here, too, the obscurity characteristic of this section, and indicates the emperor's dependence upon the Magi mentioned in 8, 2. If this is to be taken as indicating that the two passages were drawn from the same source, no one can consider chapter 9 as of great value. Even if this is not possible, the absolute silence of all the other sources on this point lead one to doubt the value of the statements here given.[2]

Chapter 9, 2b-3: These sections contain a personal thrust at Heliogabalus. The names Varius and Heliogabalus recall the animosity of 2, 1-2. The words *et haec quidem domi* at the end of the chapter suggest that the Scriptor here intended to change his plan of treatment. If so, he failed to carry out his plans;[3] it may be that they stood in the source and were taken over without any thought of their meaning. This is but one of many things which show how mechanically the Scriptor worked.

Chapter 10, 1: Since this section brings to mind both 5, 1 and Victor 23, 2, it seems best to introduce the text of the three passages:

[1] Kornemann, op. cit., p. 86.

[2] Lécrivain, op. cit., p. 204 considers this reference to Caracalla's campaign against the Marcomanni "une renseignement precieux."

[3] Leo, op. cit., p. 282; Peter, Die S. H. A., p. 121.

Vita Heliogabali 5, 1.	Vita Heliogabali 10, 1.	Victor, De Caes. 23, 2.
Ergo cum hibernasset Nicomediae atque omnia sordide ageret——, statim milites facti sui paenituit, quod in Macrinum conspiraverant, ut hunc principem facerent, atque in consobrinum eiusdem Heliogabali Alexandrum, quem Caesarem senatus Macrino interempto appellaverat, inclinavere animos.	Sed milites pestem illam imperatoris velari nomine pati nequierunt ac primum inter sese dein per coronas iecere sermones, in Alexandrum omnes inclinantes, qui iam Caesar erat a senatu eo tempore, consobrinus huius Antonini, nam Varia una is erat avia, unde Heliogabalus Varius dicebatur.	Haec cum augerentur in dies (i. e. his evil deeds), ac magis magisque Alexandri, quem, comperta Opilii nece, Caesarem nobilitas nuncupaverat, amor cumularetur, in castris praetoriis tricesimo regni mense oppressus est.

As has been stated above,[1] the similarity between Victor and the "Life" 5, 1 is confined to the relative clause; what then is the situation here? Chapter 5, 1 refers to a feeling which arose during the winter of 218-19, Victor tells of a sentiment which increased steadily throughout the reign of Heliogabalus and culminated in his death, chapter 10, 1 states the feeling prevalent among the soldiers toward the end of the reign which led them to plot his downfall; the time to which these severally refer is different. Further, if the soldiers had already begun to admire Alexander as stated in 5, 1 why should we here have the story retold if it were from the same source? Since the

[1] Cf. p. 129. The emendation proposed by Ruehl (Rhein. Mus., vol. 62, 1907, p. 2) *qui iam Caesar a senatu appellatus interempto Macrino, consobrinus huius Antonini* rests on certain manuscript variations. If this correction is sound, it simply points to a restatement of the idea contained in the clause in 5, 1. The text of the S. H. A. has throughout this chapter been taken as Peter gives it.

word *consobrinus* occurs also in 5, 1, one would expect that, if these statements came from the same source, the Scriptor could, and in all probability would, have explained the relationship at the first allusion to it. For these reasons a connection of source between 5, 1 and 10, 1 seems improbable. The emphasis here being on the cause of Alexander's popularity, and in Victor upon the death of Heliogabalus, it seems fair to infer that they, too, are not related as a whole. If there were any connection between the two it is strange that Victor did not speak of the relationship between Alexander and Heliogabalus, especially since he could have done so in two words. In point of fact, the resemblance between the three is confined to the relative clauses. The clause in 10, 1 *qui iam Caesar erat a senatu eo tempore* is inferior in definiteness of statement to the clauses in 5, 1 and in Victor, which have been already traced to a common source. While in the latter cases the clause states definitely when Alexander was made Caesar by the senate, the former instance contains nothing which would prevent one from thinking it might refer to the senate's ratification of the decision of Heliogabalus at the time when Alexander was adopted by his cousin.[1] Further, one hesitates to attribute to the Chronicle the name Varia for Julia Maesa, which is not supported by outside evidence, and, possibly, the incorrect derivation of the name Varius for Heliogabalus.[2]

Kornemann[3] wished to assign this to the "Anonymous," because of the presence of *primum, dein, eo tempore,* and the presence of personal names. While it is true that this section is decidedly better than most of the preceding material, it can hardly be considered as on a level with 13, 1 ff. as that theory would make it.

[1] Cf. p. 95. [2] Cf. Heliog. 2, 1-2.
[3] Kornemann, op. cit., p. 86.

Chapter 10, 2-7: The purely biographical material is omitted.

Chapter 11, 1: The description of the kind of officers with whom Heliogabalus surrounded himself is practically confirmed by Herodian.[1] The extremely general character of the statements, however, makes it impossible to identify any of the cases, and thus prove the truth or falsity of its application to the entire reign of Heliogabalus.

Because of the abrupt transitions from the chronological or historical matter back to the biographical in this part of the life, Leo[2] thinks that 11, 1 should directly precede 12, 1; the present order being due to careless arrangement.

Chapter 11, 2-7: These sections are purely biographical, hence omitted.

Chapter 12, 1: This continues the train of thought found in 11, 1. Some, following Xiphilinus' view of Comazon's position, have thought that he was the dancer in question. Whether this view can be accepted[3] is a question.

Chapter 12, 3: The statement that Heliogabalus took his grandmother with him into the senate house, is in direct contradiction to 4, 1-4 (cf. 15, 6). The reference to her authority in the state is at variance with 2, 1-2. The view of the question presented in this section is that confirmed by history. The contradictions show plainly the composite character of the life. The name Varia might easily have been inserted.

From the preceding analysis, it is clear that this section of the "Life" is of very little value as a source. The sweeping statements (as 6, 1-4, 11, 1, 12, 1) which can not be connected with any definite occurrence because of their

[1] Herodian, 5, 7, 14.

[2] Leo, op. cit., p. 282.

[3] Cf. p. 47, n. 7; cf. Herodian 5, 7, 12.

vagueness, prove nothing. There is absolutely no attempt to give any idea of the chronological sequence of events. The partisan bias which colors many of these statements, especially those on religious questions, lessens the value of this section still further. There are, it is true, a great number of similarities to Dion and Herodian, but in many of these cases the point of contact is so hidden as to be unintelligible to one who did not know the history of the period.

It is also clear that more than one source has been used. No one could assume that the material here given with its total lack of orderly sequence, and its variations in style and condensation came from the work of one author. To try to point out the parts which belong to each would be futile; from the citation it is, however, clear that Marius Maximus has been used in 11, 2-6 at least, and probably elsewhere, as for example 10, 2-6. The statements in 6, 1-4, 11, 1, and 12, 1 may be related, so also may 6, 6-8, 3 (omitting 7, 6-10). Further than this it is not wise to go.

SECTION IV. CHAPTERS 13, 1-17, 2

THE ACCOUNT OF THE DOWNFALL AND DEATH OF HELIOGABALUS

In striking contrast with the history of the reign of Heliogabalus contained in the preceding chapters, is the concise, logically arranged account of the emperor's downfall given in this section. To attribute this to the same sources as chapters 5-12, or to consider it the work of the Scriptor is equally impossible. Its clearness and accuracy of chronology show that it is from a different source than chapters 3, 4-4, 4. It is far too long to have been derived from the Chronicle. There is then but one conclusion open, the Scriptor has here turned to another source which, fortunately for the historian, is a good one.

Chapter 13, 1-3: The estrangement between the cousins of which these sections tell is so precisely what one would expect to arise from their absolute difference of disposition, that one does not need the confirmation of the story by Dion[1] and Herodian[2] to lead him to believe that Heliogabalus repented of having adopted his cousin. In using his source, the Scriptor has overlooked the fact that this section contradicts 5, 1, since the adoption of Alexander included the conferring of the title, Caesar. Although neither Dion or Herodian says anything of Heliogabalus ordering the senate to deprive Alexander of his title, the story is none the less possible. Since Alexander had been made Caesar by the senate in obedience to the order of the emperor,[3] the latter might have thought that he could force that body to take the blame of depriving the lad of his position. In this way he could make the senate, which would show its disapproval of his conduct as openly as it dared, the scape-goat on which the soldiers would wreak their vengeance. The resistance of that body to the emperor's demand can be explained partly by their knowledge of his intentions, mainly by their reliance on the support of their action by the soldiers. The motive here given for the loyalty of the senate to Alexander, his excellence, is in agreement with the testimony which Dion[4] gives to his popularity.

The word *patri* in 13, 3 is of course necessary because of the clause *quem sibi adoptaverat* in 13, 1. The words *erat autem eidem consobrinus, ut quidam dicunt* which are added by way of explanation virtually contradict 5, 1 and 10, 1 where the statement that Heliogabalus and Alexander

[1] Dion 79, 19, 1.
[2] Herodian 5, 7, 10.
[3] Dion 79, 17, 2; Herodian, 5, 7, 7.
[4] Dion 79, 19, 1.

were cousins is unquestioned.[1] The fact that this relationship is stated so doubtfully is probably due to the influence of Dexippus, who is quoted in the life of Alexander[2] as follows: *dicit patruum fuisse Antoninum Heliogabalum Alexandri, non uxoris sororis eiusdem filium.*

Chapter 13, 4-8: Both because we have Dion's account of this incident in epitome only and because Herodian speaks of but one uprising of the troops, it is impossible to check the majority of the details here given with any other source. However, the story as told here has a sufficiently close resemblance to Dion to lead one to accept it as authentic. The absence of exaggerations and the clear orderly arrangement of the facts show its value.

The *horti Spei veteris,* thought to be the same[3] as the *horti Variani* mentioned in Aurelian 1, were in the suburbs in the eastern part of the city. This piece of property was added to the imperial domain by Heliogabalus who inherited it from his father.[4] Its seclusion made it a most excellent place of retreat to escape from the riot which might easily arise in the city if the attack on the life of Alexander was successful.

Kornemann[5] thinks the occurrence of *misit* at the beginning of three successive sentences in 13, 6-8 shows the touch of a later hand who has attempted to give this part of the "Life" a rhetorical character. It seems equally

[1] Aside from the testimony of the literary sources Maesa is often mentioned in inscriptions as the grandmother of one or the other of these lads. Cf. C. I. L. XI, 3774, X, 6002, VIII, 2715, 2564, and VI, 2832; cf. 32544.

[2] Alex. Sev. 49, 5; Lécrivain, op. cit., p. 206.

[3] Richter, op. cit., p. 315; Gilbert, op. cit., vol. 3, p. 376; (cf. Preller, Regiones Rom. p. 131).

[4] Homo, Le Domain Imperial, Mélanges d'Arch. et d'Hist., vol. 10 (1899), p. 109.

[5] Kornemann, op. cit., p. 87.

probable that this is part of the work of the original author who may well be thought to have possessed considerable stylistic ability.

Chapter 14, 1: The moralizing in this section is due to the Scriptor's thrusting his own personal opinion on the subject into the middle of his extract from his source. His object is of course to glorify Alexander.[1]

Chapter 14, 2-8: The result of the plot of Heliogabalus is told so clearly and concisely that the details of the story given in 14, 2 seem probable. We know from Dion[2] that Alexander was taken to the camp at the time of the first revolt of the troops. While the Scriptor does not state explicitly that Heliogabalus also was taken thither, the statement in 13, 4 that Soaemias went to the camp out of anxiety for her son, and the account in 15, 4 of the entreaties he addressed to the soldiers imply as much.

The use of the name Symiamira at this point is no indication of a common source for this passage and 2, 1-2. Since the mother of Heliogabalus had already been pointed out by name at that place, the phrase *Symiamira mater Heliogabali* is redundant. It is possible also that the name was inserted here.

The cowardice of the emperor described in 14, 6 is in such close agreement with Dion's story of the death of Heliogabalus,[3] that it is easily credible.

The two officers, Antiochianus[4] and Aristomachus, named here are elsewhere unknown. Since they were able to bring the troops to terms, it seems probable that this outbreak was due more to a desire to defend Alexander

[1] Kornemann, op. cit., p. 110: "Heliogabalus is the foil of Alexander."

[2] Dion 79, 19, 3; cf. p. 99.

[3] Dion 79, 20, 2.

[4] P. I. R., vol. 1, p. 82.

and to compel Heliogabalus to reform than to a desire to dethrone Heliogabalus.

Chapter 15, 1-4: The facts here stated are confirmed by Dion,[1] and form a valuable supplement to his work. The story is valuable, since it shows how clearly the soldiers recognized their own influence and authority in the state.

The statement that even then Heliogabalus did not cease to plot against Alexander is in agreement with the statements of the Greek historians, and entirely consistent with what we know of the character of the emperor.

Chapter 15, 5-7: The *denique* at the beginning of section 5 introduces a sort of conclusion to this part of the story. Since it is unlikely that the original author would introduce such a sentence unless he had given more detail than is found here, it is clear that the Scriptor must have condensed his source.

Although the story here told of the trouble that arose over Heliogabalus' assuming the consulship with Alexander as his colleague is not supported by outside evidence, it is entirely credible.[2] The expression *inminere milites ad eius exitum* gives a clue to the consideration which led Heliogabalus to allow Alexander this increase of authority.

Chapter 16, 1-4: Here begins the account of the second uprising of the soldiers against Heliogabalus. Dion confirms the account of the continuance of the emperor's hostility for his cousin,[3] but no other source says anything of his having ordered the senate to leave the city. However, the statements of this source, in other places, have been shown to be so sane that this story deserves consideration. It might have been the emperor's idea that, if the senate

[1] Dion 79, 19, 3.
[2] Cf. p. 100.
[3] Dion 79, 20, 1.

were removed from Rome, he could bribe the soldiers to support his cause and desert Alexander.

The clause *ad quem libros Ulpianus scripsit* has been shown to be out of place here;[1] because of its inaccuracy some have thought that it was inserted later.

The Scriptor's story of the removal of the teachers of Alexander agrees with Herodian's[2] statements on this subject. The latter would attribute it to an earlier time, but this proves nothing because of his inaccurate system of chronology.

Chapter 16, 5: This section bears on its face marks of corrupt manuscript transmission. Further, the meaning is not clear; the circumstances under which this revolution broke out are not given; and nothing is said of the arrival of Heliogabalus at the camp. This is especially unfortunate because the accounts of the revolt in Dion and Herodian are often at variance with each other, and in some places not wholly clear. The resentment which the soldiers felt toward Heliogabalus accords with the views of Dion[3] and Herodian.[4] Since Zonaras[5] tells us that Heliogabalus found that he was being plotted against by the soldiers, the words *facta conspiratione* would possibly have been confirmed by the original Dion. This state of affairs also agrees with Herodian's[6] story of the ovation given to Alexander, and the discourtesy with which the soldiers treated Heliogabalus. The most that can be said of the passage under discussion is that we have here the distortion of a good source.

[1] Lécrivain, op. cit., p. 206; Kornemann, op. cit., p. 87; cf. P. I. R., vol. 2, p. 352.
[2] Herodian 5, 7, 11.
[3] Dion 79, 20, 1.
[4] Herodian 5, 8, 16.
[5] Zonaras, 12, 13, 617, D.
[6] Herodian 5, 8, 14.

Chapter 17, 1-2: Although the account here given of the death of Heliogabalus differs in some particulars from the story of Dion,[1] both agree that the emperor attempted to flee. Dion and Herodian also confirm[2] the statement that his body was dragged through the streets. Section 2, however, is entirely different[3] from anything in either of those authors. Dion[4] states that the soldiers, growing weary of their sport, threw the body of Heliogabalus into the river; Herodian[5] confirms the story in part, but has it that the sewer, not the river received the emperor's mutilated corpse. It is quite possible that this passage explains the divergence.

The value of this section of the life is too obvious to need comment.

SECTION V. CHAPTERS 17, 3-18, 3

APPENDIX

The evident lack of sequence in the development of the thought in this part of the life lends color to the theory that one is here dealing with supplementary material compiled from various sources.

Chapter 17, 3: The repetition of 17, 2 in this sentence makes it clear that the statement is plainly supplemental to the preceding statements.

Chapter 17, 4: Here are given the results of the condemnation of the memory of Heliogabalus by the senate. The statement cannot, however, be taken literally. An examination of the existing inscriptional evidence gives

[1] Dion 79, 20, 1-2; Zonaras, 618, A.
[2] Dion 79, 20, 2; Herodian 5, 8, 17.
[3] Cf. p. 104, n. 4.
[4] Dion 79, 20, 2.
[5] Herodian 5, 8, 18; cf. Victor, Epitome 23, 6, and 104.

these results: The name Antoninus is erased[1] in 40 cases, several African inscriptions[2] blot out his claim to be the grandson of Severus, a few from different parts of the empire erase the name of Elagabalus.[3] In 52 cases, however, the name Antoninus is left intact. While these figures can not be taken as conclusive, they are sufficient to show that the erasure of the name of Heliogabalus in inscriptions was not so universal as the Scriptor would have us think. Another careless statement of the Scriptor appears here, for the names Varius Heliogabalus have never been found in any piece of epigraphic or numismatic evidence.

Chapter 17, 5: Dion[4] also tells us that Heliogabalus was called Tiberinus, and applies many other taunting names to him. Those given here, while not elsewhere confirmed are doubtless to be accepted as correct because of the animosity felt for this emperor.

Chapter 17, 6-7: In these sections the Scriptor puts forth his never failing moral.[5]

Chapter 17, 8-9: The statement here made, that the Eliogabalum was still standing when the life was written, is especially interesting. Since we know that this temple was destroyed[6] before 304 A. D., the "Life" was either written before that time, or the Scriptor has here used his sources unintelligently.

Chapter 18, 1-2a: The digression on the name Antoninus is worthless. This has often been thought part of the

[1] An interesting case of the erasure of the name Heliogabalus and the substitution of Alexander's occurs C. I. L. VIII, 10118.

[2] For example, C. I. L. VIII, 10308.

[3] For example, C. I. L. VIII, 4440=18587; XI, 3774; VII, 585.

[4] Dion 79, 1, 1. [5] Cf. pp. 123 and 143.

[6] Cf. p. 81; Harnack, Chron. d. alt. Christ. Lit., vol. 2, pt. 2, p. 478.

work of some later reviser[1] because of its character, and its similarity to similar portions in other lives.[2]

Chapter 18, 2b-3: The death of Soaemias is here mentioned for the first time. The hostility toward her and the prominence here given her recall 2, 1-2 and 3, 4-4, 4. The statement about her prominence in the senate contradicts 12, 3 and 15, 6. The last part of 18, 3 properly belongs with 17, 4, since it refers to the sentence of condemnation which the senate passed on Heliogabalus.

[1] Lécrivain, op. cit., p. 206.
[2] Cf. Heliog. 34, 6; Macrin. 3, 7; Diad. 6.

CONCLUSION

These then are the results of the analysis of the "Life" of Heliogabalus:

1. The "Life" is divided into five sections. Section I is introductory and contains much material that has been collected from various sources without reference to their value, joined to two statements from the Chronicle. Section II is more connected, but it is drawn from two sources, one of which is the Chronicle, the other, of inferior worth. The division between the two shows where the Scriptor ceased to follow the Chronicle closely. Section III contains all the biographical statements in the "Life." It has the most points of contact with Dion and Herodian, but in the majority of cases these similarities are too vague to be of historical value. This part of the life is highly composite; aside from Marius Maximus, and an occasional bit from the Chronicle, several other sources are used. Section IV is an extremely valuable bit of history. It furnishes an interesting parallel to Dion and Herodian, now agreeing with one or both, now at variance with their statements, but always proceeding sanely and without that bias so marked in section III. Section V is plainly composite, and serves as an appendix. Each statement must be tested before it can be used as evidence.

2. The varying value of these sections, the many indications of plurality of sources, including both striking dissimilarities, and contradictions,[1] make it impossible to think that the "Life" can be the work of any one author.

[1] For example 2, 1-2, and 4, 1-4 with 12, 3, and 15, 6, 13, 1 with 5, 1 and 10, 1.

3. This forbids one to think that Marius Maximus[1] is responsible for this work, or that Kornemann's Anonymous[2] was here, at least, so important as he thought.

[1] Klebs, Die S. H. A., Rhein. Mus. vol. 47 (1892), p. 28; Leo, op. cit., p. 284; Cotta, Quaest. gramm. et crit. p. 68; Lécrivain, op. cit., pp. 201-211.

[2] Kornemann, op. cit., p. 84 ff.

APPENDIX A

The Procession in Honor of Elagabalus

The suburban temple to which reference has been made,[1] seems to have derived its chief importance from the annual festival in honor of Elagabalus. Each year, at mid summer,[2] the god was taken thither in solemn procession. The chariot[3] on which the image rested was richly adorned with gold and precious stones.[4] It was drawn by six span of snow white horses whose harness was similarly decorated. Since no mortal might mount the chariot, the reins were so disposed as to make it seem that the god himself was driving. The horses were guided by the emperor, who rode backward before them, supported on either side by attendants. The statues of the gods, costly offerings, and the insignia of the royal power, were carried in the procession, in which the equestrian order and the praetorians joined. The streets through which this procession passed were lined with people who carried torches and hurled wreaths and flowers in the path of the god. The return of the god to the Palatine temple was celebrated by lavish sacrifices, extravagant gifts to the people, and by other festivities.

[1] Cf. p. 80.

[2] Herodian 5, 6, 13; cf. Zeitschr. Deut. Morgl. Gesellsch., vol. 31 (1877), p. 95.

[3] The god is shown on the chariot in the types of coins 16, 20, and 265-269, Cohen, vol. 4. Since it is known that all of these coins but one (no. 16, from 220-222) were struck in or after 221, it is clear this celebration belongs to the latter part of the reign of Heliogabalus. The Palatine temple was probably completed first.

[4] This description of this procession is taken from Herodian 5, 6, 13-22.

While the interpretation of this procession is the business of the specialist in Semitic mythology, it is possible to point out one or two interesting facts in connection with this ceremony which may help to throw light on the subject. Similar processions seem to have been common in the East. Ramsay[1] found a relief in Phrygia which showed the sun god on a chariot.

More significant is the fact that this festival occurred at midsummer. Now during the month Tammuz,[2] which owing to the variations in the local Syrian calendars, fell in various places at different times, from June to September, the rites in honor of Tammuz were celebrated. The divine pair Ishtar-Tammuz[3] (Aphrodite-Adonis) were worshipped with similar rites all over western Asia. The worship of Adonis[4] in Syria centered at Byblus, the religious capital of the country, about 100 miles from Emesa. It might then be possible that some points of contact between these cults had been established before Elagabalus was brought to Rome. The close connection between Magna Mater and Attis,[5] who was worshipped with rites quite similar to those in honor of Adonis, and the identification of Caelestis with Magna Mater also opens up interesting possibilities.

After all the chief interest of this procession for the purpose in hand is the possibility of connecting it with a

[1] Ramsay, Cities and Bishoprics of Phrygia, vol. 2, pp. 361, 363, n. 3; cf. vol. 1, p. 143; cf. Rev. Arch., Ser. 4, vol. 1 (1903), p. 368.

[2] Frazer, Adonis, Attis, and Osiris, p. 7.

[3] Frazer, op. cit., p. 55; cf. p. 5.

[4] Frazer, op. cit., p. 9; cf. Hochart, La religion solaire dans l'empire Rom. p. 58.

[5] Frazer, op. cit., pp. 165, 171, 192, 193, 198. The Adonis worship never seems to have been very popular at Rome, its place was taken rather by the rites in honor of Attis.

curious inscription[1] erected some time in the latter part of 221 or later,[2] which runs as follows:

Herculi invicto, | pro salute D(ominorum) N(ostrorum) Imp(eratoris) Caes(aris) M(arci) Aur(eli) Antonini, P(ii) F(elicis) Aug(usti) et | M(arci) Aur(eli) Alexandri, nobilissimi Caes(aris), totiusque domus | divinae eorum, coh(orte) X pr(aetoria) P(ia) V(indice), Ant(oniniana) centurio Marcian(us) | Masculinius Valens, b(ene)f(iciariis), pr(aefectorum) pr(aetorio) (e)men(tissimorum) v(irorum) | et Aur(elius) Fabianus signifer, et | Val(erius) Firminus optio centurio, quod | proficiscentes expeditionibus | sacris voverant, regressi | cum commanipulis libentes | votum solverunt.

The reference to the *expeditionibus sacris* makes it seem possible that it may refer to this procession, if so it must then belong to 221, rather than 222, as it is entirely improbable that such a festival would have been kept up after the death of Heliogabalus.

APPENDIX B

WHEN DID THE TRIBUNICIAL YEAR OF HELIOGABALUS BEGIN?

This question has given no small amount of trouble. The problem is this: Heliogabalus ruled from June 8, 218, to March, 222. During that time he held four consulships, and received the tribunicial power five times. The problem of the consulship is easily solved; Cos. I, June 8, 218, Cos. II, January 1, 219, Cos. III, January 1, 220, Cos. IIII, January 1, 222. It is not so easy to see how he could have been given tribunicial power five times.

[1] C. I. L. vi, 323.

[2] Domaszewski, op. cit., p. 106, n. 443, says 222, but gives no reason.

Eckhel[1] cites three theories which had been propounded before his time, and rejects them in favor of one of his own. The first of these earlier scholars, Valsecchi,[2] claimed that Heliogabalus thought his reign began immediately after the death of Caracalla, April 8, 217. In consequence, the tribunicial power was given him first at that time, and was renewed annually on that day. His consulship began June 9, 218. According to Valsecchi's theory then, the coins of the year 218 should have been inscribed T. P. ii, Cos. The fact that this does not occur[3] is sufficient reason to reject his view.

The second and third opinions were different forms of the view of Page,[4] who thought that Heliogabalus was proclaimed March 16, 218, and renewed his tribunicial power on that date. The few coins marked T. P. v, Cos. iiii were struck in anticipation of the event in 222 and before the death of Heliogabalus. The objection which Eckhel urges against this theory is that there are no coins in which the consular and tribunician dates do not correspond.[5]

Eckhel's[6] own view is that Heliogabalus renewed his tribunicial power on January 1, according to the example of his immediate predecessors.[7]

Stobbe[8] rejects this opinion for the following reasons: Since it was not customary during the reign of Heliogabalus to omit the number with the title T. P., coins marked

[1] Eckhel, D. N. V., vol. 8, pp. 430 ff.

[2] Eckhel, op. cit., p. 432.

[3] The occurrence of this combination in one inscription, C. I. L. II, 4805, proves nothing.

[4] Eckhel, op. cit., pp. 433-436.

[5] Cf. the table, p. 156.

[6] Eckhel, op. cit., p. 436.

[7] Cf. p. 155, Egbert's statements.

[8] Stobbe, Philol., vol. 32 (1873), p. 55.

T. P., Cos. ii cannot be neglected. We know that it was generally customary for successive emperors to keep the same day for the beginning of their tribunicial year. Septimius Severus, Caracalla, and Geta renewed their tribunicial power January 6 or 7. Alexander Severus[1] also seems to have dated his tribunicial year from that day. It is then probable that Heliogabalus used the same date to mark the beginning of his tribunicial year. Since there are so few coins marked T. P. v, Cos. iiii, the emperor was probably killed January 5 or 6, and these coins were struck in anticipation of the change of the tribunicial year early in January, 222.

From evidence brought to light after Stobbe wrote, Egbert[2] draws the conclusion that Septimius Severus, Caracalla, and Geta counted their tribunicial years from December 10, not from early January. It is true that Macrinus seems to have renewed his tribunicial power early in January,[3] but there was no reason why Heliogabalus should follow his example. It was, further, not necessary that Alexander should continue the precedent set by his cousin. The fact that Alexander counted his tribunician years from early January need not then be taken as conclusive proof[4] that Heliogabalus did the same.

[1] We have coins of Alexander's marked T. P. vii, Cos. iii. Since in d. LXXXVII issued Jan. 7, 230, Alexander has the titles T. P. viiii, Cos. iii (cf. d. LXXXVI, Jan. 7, 226, T. P. v, Cos. ii), he had probably just renewed his tribunicial power.

[2] Egbert, Introduction to the Study of Latin Inscriptions, p. 136: Septimius Severus, T. P. June 1–Dec. 10, 193, T. P. ii, Dec. 10, 193–Dec. 10, 194; Caracalla, T. P. June 2–Dec. 10, 198, T. P. ii, Dec. 10, 198–Dec. 10, 199; Geta T. P. ?–Dec. 10, 209, T. P. ii, Dec. 10, 209–Dec. 10, 210.

[3] Egbert, op. cit., p. 137.

[4] A study of the dates on which different emperors assumed the tribunicial power shows much variation.

To get a clear idea of the condition of affairs, the following table compiled from coins and inscriptions will be found useful:

	Inscriptions.	Coins.[1]	Total.	Total No. Variations	
T. P., Cos	9	9	18		
T. P. ii, Cos. ii.....	5	31	36		
T. P. iii, Cos. iii.....	7	34	41		
T. P. iiii, Cos. iii.....	2	25	27		
T. P. v, Cos. iiii.....	1	9	10		
				Regular.	
T. P., Cos. ii.....	4	3	7	(7)	
T. P. iiii, Cos. iiii....	0	3	3	(3)	
					Irregular.
T. P., Cos. iii.....	2	0	2		(2)
T. P., Cos. iiii	0	2	2		(2)
T. P. ii, Cos.....	1	0	1		(1)
T. P. iii, Cos. ii (?) ...	1	0	1		(1)
T. P. iii, Cos. iiii.....	0	2	2		(2)
Total.....	32	116	150	(10)	(8)
Regular			132		

The 10 regular variations[2] seem to indicate a date after January 1 for the change of the tribunician year. It must be confessed, however, that the 7 cases T. P., Cos. ii may, in part at least, be due to the custom of sometimes omitting the numeral with that title. Their value as evidence is thereby lessened. The three cases[3] of T. P. iiii, Cos. iiii are much clearer. The union of the two tends to favor a date shortly after January 1 for the renewal of the tribunicial year. The 8 irregular variations do not oppose this

[1] The coins are collected from Cohen only. Studniczka, Mitth. Deutsch. Arch. Inst., Roem. Abth., vol. 16 (1901), p. 280, n. 6, cites a tenth coin with T. P. v, Cos. iiii, published in the Annuaire de Numism., vol. 14 (1890), p. 468.

[2] C. I. L. III, 3713; Cohen, vol. 4, p. 344, nos. 213-221.

[3] Cohen, vol. 4, p. 342, nos. 196-198.

theory. The instances of T. P., Cos. iii,[1] and T. P., Cos. iiii[2] are due to the omission of the numeral with the first title; two others, T. P. ii, Cos.[3] and T. P. iii, Cos. ii (?),[4] may easily have arisen from the increase of the numeral with the wrong title. The two coins[5] T. P. iii, Cos. iiii may be due to the same cause or may have been due to some misunderstanding about the intentions of Heliogabalus concerning the consulship in 221.

There is then enough evidence to warrant the conclusion that Heliogabalus renewed his tribunician power in January of each year. Because of the small amount of evidence dating from the transition stage, Stobbe's[6] date for this renewal is probably right.

[1] C. I. L. VIII, 10451, X, 5827.

[2] Cohen, vol. 4, p. 343, nos. 199, 200.

[3] C. I. L. II, 4805.

[4] Brambach, Insc. Rhen. 1938; cf. Rhein. Mus., vol. 15 (1860), p. 496, no. 14.

[5] Cohen, vol. 4, p. 344, nos. 210, 211.

[6] Philol., vol. 32 (1873), p. 55; Jan. 6 or 7.

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THE MYTH OF HERCULES AT ROME

CHAPTER I

THE PROBLEM

No character appealed more strongly to the myth-making consciousness of antiquity than that of Herakles, or Hercules. The national mind of Hellas early idealized him and made him the model of all that seemed to it to be great and admirable. The potency and personality of the pre-Argive god of healing [1] spread until he became the hero most referred to and most represented in all ancient times,[2] the ἥρως θεός[3] whose choice between ἀρετή[4] and κακία became for later Greek thinkers a type of the logic of evaluation,[5] and whose life of toil and triumph was the

[1] Gruppe, Griechische Mythologie und Religionsgeschichte, vol. 1, p. 453; Furtwängler, in Roscher's Ausführliches Lexikon der Griechischen und Römischen Mythologie, vol. 1. 2, p. 2138. Herakles is considered pre-Achaean by Ridgeway, Journal of Hellenic Studies, vol. 16 (1896), p. 100; Early Age of Greece, vol. 1, p. 640. Cf. Harrison, Prolegomena to the Study of Greek Religion, pp. 347, 348.

[2] Gruppe, Griech. Myth. u. Relig., vol. 1, p. 451, 479; Furtwängler, Roscher's Lexikon, vol. 1. 2, p. 2135 ff.; Walters, History of Ancient Pottery, vol. 2, pp. 94-108.

[3] Pindar, Nemean Odes, 3, 22.

[4] Xenophon, Mem. 2. 1, 21 ff.; Philostratus, de Vit. Soph., p. 496 (210); Welcker, Kleine Schriften, vol. 2, p. 466 ff.

[5] Daremberg et Saglio, Dictionnaire des Antiquités Grecques et Romaines, vol. 3. 1, p. 110 ff; Wilamowitz-Moellendorff, Herakles, 2te Aufl., vol. 1, p. 102 ff.

embodiment of both the ideal and the evangel of the Dorian people.[1] "Mensch gewesen, gott geworden; mühen erduldet, himmel erworben"[2] is the essence of the myth, as it is the essence of Wilamowitz-Moellendorff's brilliant study.

The Roman mind, sure in its faith that institutions can be traced to some individual founder,[3] conceived of Hercules as the founder of one of the city's oldest shrines.[4] For the legend of his arrival at the Tiber's side was regarded as the most ancient fact in the pseudo-history of Rome, anterior even to the legend of Romulus.[5] And of the founding a peculiar tale was told which stands forth as the only really mythical portion of the Roman religion.[6] For Roman religion, running to cult rather than myth,[7] knew of no hero-worship in the sense in which it was known in Greece.[8] The myth is centered about the institution of the *ara maxima* with its many and peculiar cult practices. It is an integral part of Roman religion as none of the many forms of the Herakles myth ever was for

[1] Pindar, Nem. 1, 33-72.

[2] Wilamowitz-Moellendorff, Herakles, 2te Aufl., vol. 1, p. 38; cf. Usener, Sintfluthsagen, p. 65; Jebb, Trachiniae, *Introd.*, p. xii.

[3] Cf. Carter, Religion of Numa, p. 9.

[4] Livy, 1. 7.

[5] Pais, Ancient Italy, p. 236.

[6] Fowler, Roman Festivals, p. 196.

[7] Marquardt, Römische Staatsverwaltung, vol. 3, 2te Aufl. (Handbuch der Römischen Alterthümer, vol. 6), p. 2.

[8] Preller, Römische Mythologie, 3te Aufl., vol. 2, p. 269; Wissowa, Religion und Kultus der Römer, p. 8: "Die römische Religion kennt keine *ἱεροὶ λόγοι*, keine Götterehen und Götterkinder, keine Heroenwelt, die zwischen Gottheit und Menschheit die Brücke schlägt, sie hat mit einem Worte keine Mythologie."

Greece; for while the Greek Herakles appealed to the popular imagination, he appears never to have entered deeply into the religious life of the people. But for the Romans Hercules fulfilled a real religious need, and apparently satisfied true aspirations. In passing from Greece to Rome he seems to have taken on a new seriousness more in keeping with the character of the people that welcomed him. The quest of the Roman Hercules is thus at once a study of both myth and religion wherein lie many unexplained and perhaps inexplicable difficulties.[1]

But while many difficulties remain, perhaps no myth has so surely been gaining in clearness of form and content in recent years. Among the scholars who have discussed it in whole or in part may be mentioned Heffter,[2] Hartung,[3] Metzger,[4] Schwegler,[5] Mommsen,[6] Hillen,[7] Bréal,[8]

[1] Wissowa, Relig. u. Kult., p. 219; cf. Gruppe, Griech. Myth. u. Relig., vol. 1, p. 457.

[2] Ueber Mythologie, Neue Jahrb. f. Philologie u. Paedagogik, vol. 2 (1831), pp. 440-445.

[3] Ueber den römischen Hercules, als Probe einer Darstellung der römischen Religion nach den Quellen, Program, Erlangen, 1835 = Religion der Römer, Erlangen, 2 vol., 1836, vol. 2, pp. 21-31.

[4] Pauly, Real-Encyclopädie der classischen Alterthumswissenschaft, vol. 3, Stuttgart, 1844, article Hercules, pp. 1175-1182.

[5] Römische Geschichte, vol. 1, Tübingen, 1853, pp. 364-376.

[6] History of Rome, Eng. trans. by Dickson, New York, 1900, vol. 1, p. 230. Derivation of Hercules, Die unteritalischen Dialekte, Leipzig, 1850, p. 262.

[7] De Herculis Romani Fabula et Cultu, Monasterium, 1856.

[8] Hercule et Cacus, Paris, 1863; reprinted in Mélanges de Mythologie et de Linguistique, Paris, 1877, pp. 1-161. The latter is the work cited in the following pages. Cf. the review of Fr. Spiegel, Zeitschrift f. Vergleichende Sprachforschung, vol. 13 (1864), pp. 386-392.

Preuner,[1] Reifferscheid,[2] Preller,[3] Marquardt,[4] Türk,[5] R. Peter,[6] Fowler,[7] Dürrbach,[8] and Wissowa.[9]

Attempts have been made to find a new meaning in an old myth or to find a new myth with an old meaning, and inasmuch as the literature cited by R. Peter in Roscher's Lexikon[10] is not complete, I shall review it briefly here. Heffter, wishing to show by example how mythology should be studied, chose the myth of Hercules at Rome. For this purpose he collected a number of references from ancient literature, gave their general content in brief form, and attempted to account for the epithet *victor*. But the first to make a critical study of the myth was Hartung, who advanced the view that it was purely Italic in origin, that the hero of the myth was not Hercules but an old divinity, *Recaranus*,[11] somewhat similar to Hercules but in reality

[1] Hestia-Vesta, Tübingen, 1864, pp. 382-384.

[2] Annali dell' Instituto Archeologico di Roma, vol. 39 (1867), pp. 352-362.

[3] Römische Mythologie, 3te Aufl., vol. 2, Berlin, 1883, pp. 278-300.

[4] Römische Staatsverwaltung, 2te Aufl., vol. 3, Leipzig, 1885 (Handb. d. Röm. Alter., vol. 6), p. 377 f.

[5] De Propertii Carm. quae pertinent ad Antiquitatem Romanam Auctoribus, Halle, 1885, pp. 35-42.

[6] Roscher's Lexikon d. Griech. u. Röm. Mythologie, vol. 1. 2, Leipzig, 1886-1890, pp. 2253-2297, 2901-3023.

[7] Roman Festivals, London, 1899, pp. 193-197.

[8] Daremberg et Saglio, Dictionnaire des Antiquités Grecques et Romaines, vol. 3. 1, Paris, 1899, pp. 124-128.

[9] Religion u. Kultus d. Römer, München, 1902 (Iwan v. Müller, Handbuch d. klassischen Altertumswissenschaft, vol. 5. 4), pp. 219-231; Pauly-Wissowa, Real-Encyclopädie d. cl. Altertumswissenschaft, vol. 3, Stuttgart, 1899, pp. 1165-1169.

[10] Vol. 1. 2, pp. 2253-2258.

[11] Religion d. Römer, vol. 2, p. 24. " Der Name des Recaranus lautet so echtlateinisch, dass wir nicht zu irren fürchten, wenn wir in ihm einen Wiederbringer oder Wiedergewinner erkennen,

only another name or personified attribute of Jupiter.[1] Jupiter was *Dius Fidius,*[2] who again was identical with *Semo Sancus,*[3] and to Semo Sancus the epithet *genius* was applied by P. Victor in the *de Regionibus Urbis, Regio VII.* But Hartung did not openly identify Jupiter with *Genius,* the tutelary god of each individual male, as R. Peter's critique would suggest.[4]

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sei es dass *gerere* (Garanus) oder *creare* dessen Stamm war."

[1] Ibid. p. 31: "So ist Recaranus zwar eine besondere Persönlichkeit neben Jupiter, aber doch so wenig von derselben getrennt, dass er in der That nur eine endliche Erscheinung oder Sichtbarwerdung desselben zu nennen ist." Cf. pp. 26, 44.

[2] Ibid. p. 44 ff. [3] Ibid. p. 47.

[4] Roscher's Lexikon, vol. 1. 2, p. 2256. There is no evidence to show that men called upon Jupiter as their tutelary god, i. e. as *Genius* in the sense that women called upon Juno (cf. Birt, Roscher's Lexikon, vol. 1. 2, pp. 1613-1625, s. v. *Genius*). And the authority for the identification of Sancus with Genius is worthless. Urlichs, *Codex Urbis Romae Topographicus*, p. 37, reads *Sacellum Senii Sangi*, with the note, *genii sangi* Parrh; *corrupt. e Semonis Sanci vel Sangi.* Reifferscheid, arguing from Aul. Gellius 11. 6, 1, attempted to prove from the fact men swore by Hercules and women by Juno that Hercules must be the *genius* of men. The reasoning is not conclusive. It is true that men did not swear by Juno or women by Hercules but the inference that Hercules was therefore the *genius* of men is a *non sequitur.* It is not known that any name was ever given to the tutelary deity of men other than that of *genius* merely: Hercules is never called *the genius.* In all the mention of *genius* singly and in connection with Juno it is significant that Hercules never occurs. Women, it is true, used the word *Juno* in this sense (cf. Otto, Iuno, Philologus, vol. 64 (1905), p. 179; Ihm. Roscher's Lexikon, vol. 2, pp. 615, 616; Wissowa, Relig. u. Kult., p. 154), but it has not been conclusively shown that even this usage of the word Juno was old. The evidence brought forward thus far rather goes to show that it was a comparatively late idea. The exclamation *Mehercle* (cf. Festus, Ponor, p. 90, s. v. *Mecastor.*) certainly is nothing more than the Athenian oath by Herakles,

Of Hartung's theory Heffter[1] remarked: "The demonstration of the identity of Recaranus, Hercules, and Jupiter seems too ingenious still, and the whole stands in need of a new treatment."[2] Metzger[3] accepted Hartung's conclusions without question or modification. Schwegler, also, maintained that the myth was not originally a foreign one which was transferred bodily, but that it was Italic in its

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Ἡράκλεις. Back of it lay the notion of Ἡρακλῆς ἀλεξίκακος, καλλίνικος. This is clearly seen from the incantation written on a doorpost: ὁ τοῦ Δὸις παῖς καλλίνικος· Ἡρακλῆς ἐνθάδε κατοικεῖ· μηδὲν εἰσίτω κακόν. This is one of the earliest attributes of Herakles and one which continues till the latest times; cf. C. I. L. IV, 733; Buecheler, Rhein. Mus., vol. 12 (1857), p. 248; Heim, Incantamenta Magica, Jahrb. f. class. Phil., Sup. vol. 19 (1893), p. 509; Hellan. F. H. G., vol. 1, pp. 64, 138; Bull. Corr. Hell., vol. 15 (1891), p. 671. But Reifferscheid, quoting from memory apparently, does not interpret Gellius rightly. Gellius says nothing about Juno. What he says is that Roman women did not swear by Hercules nor men by Castor, the oath of women. Why men did not swear by Castor he cannot say: *Edepol* is good swearing for both men and women. According to Nicholson (The Use of Hercle, Edepol, Ecastor by Plautus and Terence, Harvard Studies, vol. 4, 1893, pp. 99-104) *Me(hercle)* is used altogether by men in Plautus and Terence; *Me(castor)* is used only by women; *Edepol* is used by both men and women. In Plautus men swear by Hercules 638 times, by Pollux 498 times; in Terence by Hercules 98, by Pollux 21 times. Women swear by Pollux 108 times in Plautus, by Castor 118 times; in Terence by Pollux 56 times, by Castor 7 times. This means that Pollux is almost as favorite an oath as Hercules, and no great argument regarding Hercules as *genius* can therefore be drawn from men's speech.

[1] Neue Jahrb. f. Phil. u. Paed., vol. 30 (1840), p. 283.

[2] Cf. Kuhn, zur Mythologie, Zeitschrift f. deutsch. Altert., vol. 6 (1848), p. 128.

[3] Pauly, Real-Encyclopädie, vol. 3, p. 1178.

elements, that the name and conception of the Greek Herakles were superimposed upon a native Italic worship.[1] This native Italic worship was the cult of the Sabine Semo Sancus.[2] In attempting to prove the complete identity of Hercules with Semo Sancus, Schwegler thus elaborated the suggestion first made by Hartung. The superimposition was effected thus: Sancus was the chief divinity of Sabine belief, the god of heaven, of might and right, in conflict with the powers of darkness. The Sabine Sancus, furthermore, was the god of truth and oaths, the Latin *Dius Fidius,*[3] who was invoked in asseverations as Hercules was. And just as offerings of victory and gain were made to Sancus, so they were made to Hercules. Hercules was Sancus, therefore, and his worship was the Sabine worship of the heavens.[4] Following the suggestion of Kuhn,[5]

[1] Röm. Geschichte, vol. 1, p. 364.

[2] Cf. Jordan, Statua Vaticana di Semone Sanco, Annali d. Inst., vol. 57 (1885), pp. 105-126; Festus, s. v. *propter viam*, Ponor, p. 284 = M., p. 229; Varro, L. L. 5. 66; Propert., 4. 9, 74; Ovid, F. 6. 213; Pseudo-Servius, in Aen., 12. 538.

[3] Cf. Pseudo-Servius, in Aen., 8. 301; Varro, L. L. 5. 66; Nonn. Marc., p. 494; Dionys., 9. 60; Livy, 8. 20; Festus, Ponor, p. 131 = Keil; Gram. Lat., Sup., Hagen, p. 213; Dionys., 2. 49 = Cato; Peter, Hist. Rom. Frag., p. 50; C. I. L. VI, 567 ff.; Preller, Röm. Myth., 3te Aufl., vol. 2, p. 273; Fowler, Rom. Fest., p. 137; Wissowa, s. v. *Dius Fidius*, Roscher's Lexikon, vol. 1. 1, pp. 1189, 1190.

[4] Preuner followed this view (Hestia-Vesta, p. 384). The argument for the identity of Hercules with Semo Sancus is completely overthrown by the finding of an inscribed statue of the god which proves his affinity not to Hercules but to the archaic type of Apollo as the god of oaths and covenants (cf. Visconti, Studi e Documenti di Storia e Diritto II, 1881, p. 105 ff.; Annali d. Inst., 1885, Tav. A. cf. Wissowa, Neue Jahrb. f. d. klass. Alter., 1, 1898, p. 168; Relig. u. Kult., p. 121).

[5] Zeitschrift f. deutsch. Altert., vol. 6 (1848), p. 128.

Schwegler furthermore regarded the myth as exactly analogous to the Vedic myth of Indra and Vala, and, though Italic, as belonging to the family of elementary mythological conceptions that pervaded all peoples of the Indo-Germanic stock.[1]

The belief in a purely Italic myth was further maintained by Preller. The name he regarded as a Greek mask for a myth which was essentially Italic [2] in origin but which was worked over into Greek form by the Campanian Greeks and thus carried, possibly, from Cumae to Rome in their intercourse with the Latins.[3] Hercules was identical with *Silvanus*, the god of increase. Like Hartung and Schwegler, he placed credence in the variant ascribed to Verrius Flaccus [4] that the real hero was Garanus, but he went beyond either in identifying Hercules with *Genius*. Now the word *Garanus* he explained as = *Kerus* = *Genius*, comparing the Oscan *Kerriivis* in the dedicatory inscription from Agnone.[5] Reifferscheid [6] accepted this etymology and endeavored to support the theory that Hercules = Genius by the interpretation of certain works of art. These were:

[1] Röm. Geschichte, vol. 1, pp. 364-371; cf. R. Peter, Roscher's Lexikon, vol. 1. 2, pp. 2256, 2257.

[2] Cf. Marquardt, Röm. Staatsverwaltung, vol. 3, 2te Aufl., p. 377.

[3] Röm. Myth., 3te Aufl., vol. 2, p. 280.

[4] Pseudo-Servius, in Aen., 8. 203; cf. de Origine Gentis Romanae, 6. Preller called this variant "eine keinewegs zu verachtende Tradition," Röm. Myth., vol. 2, p. 283.

[5] Röm. Myth., vol. 1, p. 80; vol. 2, p. 283, and Jordan's note 4; Hermes, vol. 3 (1869), p. 409; Mommsen, Annali d. Inst., vol. 20 (1848), p. 420; Unteritalische Dialekte, p. 133; Wissowa, Relig. u. Kult., p. 228.

[6] Annali d. Inst., vol. 39 (1867), pp. 352-362.

(1) An Etruscan mirror[1] which he interpreted as Jupiter giving Juno to Hercules in marriage.[2] (2) A Praenestine cista representing Hercules, Jupiter (Diespiter), and Juno.[3] (3) An Etruscan lamp-base from Perusia, one of

[1] Annali d. Inst., vol. 19 (1847), Tav. T; Roscher's Lexikon, vol. 1. 2, p. 2259; C. I. L. I, 56; Class. Rev., vol. 20 (1906), p. 374.

[2] Annali d. Inst., vol. 39 (1867), p. 355; followed by Peter, Roscher's Lexikon, vol. 1. 2, p. 2260; cf. Cook, Class. Rev., vol. 20 (1906), p. 376. The entire representation is very crudely done. The *Corpus* characterizes it as *speculo pessimi operis originis incertae.* This mirror is the theory's strongest support. It is much more probable, however, that it merely represents the acknowledgment by Zeus of the reconciliation of Hercules (Herakles) and Juno (Hera). Hercules is being presented as son-in-law. The olive branch shows the reconciliation and the phallic tokens symbolize the new marital relation. Hercules is represented as an unbearded youth with an unmistakably Greek cast of countenance. Furthermore he does not wear the usual lion's skin but has a mantle thrown over his left arm, a characteristic of the Greek Herakles in the style of the third century in the apotheosis and marriage with Hebe. The appearance of Herakles before an enthroned Zeus is one of the marked characteristics of all the representations of the apotheosis; cf. Annali d. Inst., vol. 52 (1880), Tav. N; Berlin, Vasen., 3257, 3256; Furtwängler, Roscher's Lexikon, vol. 1. 2, pp. 2183, 2250, 2217. This interpretation is certainly the natural one, and instead of taking the mirror as something *sui generis* regards it as merely one of a class of representations, imitations of Greek mirrors, a class which Martha designates as the second Etruscan group: "tableaux relatifs à l'histoire des héros de l'épopée hellénique, d'Hercule, d'Thésée, d'Pélée," etc. In all, both theme and workmanship are Greek, and the giving of names is characteristic. Cf. Martha, L'Art Étrusque, pp. 544, 546; Walters, Art of the Greeks, p. 253.

[3] Monumenti d. Inst., vol. 6 (1861), Tav. 54; C. I. L. I, 1500; Reifferscheid, Annali d. Inst., vol. 39 (1867), p. 355; Peter, Roscher's Lexikon, vol. 1. 2, p. 2261. The gods and heroes, reading from left to right, are Micos, Aciles, Victoria, Hercles, Diesptr, Juno, Mercurios, Iacor, Ajax, Vepitus. Reifferscheid,

whose sides, representing Venus, is in Perusia; the other two, representing Hercules and Juno, are in Munich.[1]

disregarding the presence of the other figures [cf. Annali d. Inst., vol. 39 (1867), p. 355], reads into the order of Hercules, Jupiter, Juno support for his theory. The interpretation is arbitrary. What is the meaning of the relation of the remaining figures to the three mentioned if this conception of Hercules and Juno was in the artist's mind? The interpretation of Garrucci is certainly more satisfactory: "Ei si prefisse, m'immagino, di rappresentare quel momento in che Giove fa conoscere per mezzo di Mercurio a Iafor (cf. note, C. I. L. I, 1500) il fato che l'attende, quando combatterà coi due Greci Achille ed Aiace, che stanno armandosi di qua e di là della scena." Annali d. Inst., vol. 33 (1861), p. 152. This cista, furthermore, is not to be interpreted apart from others. Monumenti d. Inst., vol. 6 (1861), Tav. 55, represents a cista in the Berlin Museum showing similar mythological treatment: the figures from left to right are Venus, Aucena, Casenter(a), Crisida, Aiax, Oinumama, Teses, Alixente(r), Ateleta, Alsir, Felena. Cf. C. I. L. I, 1501. Both are as early as the third century, at least. Still another Praenestine cista of Italian workmanship is represented in Monumenti d. Inst., vol. 9 (1871), Tav. 58, 59. Here the figures are Iuno, Iovos, Mercuris, Hercle, Apolo, Leiber, Victoria, Menerva, Mars, Diana, Fortuna. For the interpretation cf. Annali d. Inst., vol. 45 (1873), pp. 221-239. These cistae are reflections of the pictorial scenes on the later Greek vases; cf. Furtwängler, Roscher's Lexikon, vol. 1. 2, p. 2171; Walters, Art of the Greeks, p. 253; Egbert, Latin Inscriptions, p. 264. Just as in this group we have no right to read into the order of Juno, Iovos, Hercle any argument for a Hercules-Juno *dii conjugales* theory, so we have none for the cista of Monumenti d. Inst., vol. 6 (1861), Tav. 54. My contention is simply that the presence and order of these figures prove nothing so far as the theory of Reifferscheid and Peter is concerned. The Etruscan engraver had a weakness for the incongruous combination of mythological personages; cf. Walters, Art of the Greeks, p. 253.

[1] Annali d. Inst., vol. 39 (1867), p. 355 f.; Peter, Roscher's Lexikon, vol. 1. 2, p. 2261; Müller-Wieseler, Denkmäler d. alt. Kunst, vol. 1, 2te Aufl. Taf. 59; Class. Rev., vol. 20 (1906),

(4) A gold ring in the Waterton collection represents Hercules in a lion's skin and Juno Sospita. The figures, placed head to head, form the band of the ring.[1] (5) Reif-

p. 375; Panofka, Annali d. Inst., vol. 2 (1830), p. 335. Peter, adding to Reifferscheid's interpretation, feels warranted in holding "dass kein Zweifel walten kann, dass auch hier echt italische Vorstellungen zu Grunde liegen . . . . Die Göttin der dritten Seite, Venus (im altertümlichen Stil, das Gewand fassend), zeigt deutlich an, was die Vereinigung von Hercules und Juno auf diesem Denkmale zu bedeuten habe." The Juno is the unmistakable Sospita type, whose oldest cult existed in Lanuvium and whose attributes were those of Hera Eileithyia (cf. Cic. de Nat. Deor., 1. 29, 82; Roscher, Roscher's Lexikon, vol. 2. 1, p. 595; 1. 2, p. 2088 f.; Preller, Röm. Myth., 3te Aufl., vol. 1, 276 f.; Overbeck, Kunst-Mythologie, vol. 2. 1, p. 160 f.). Hercules in the representation has the beardless face, the sharply defined nose and chin, the tightly fitting chiton and the lion's skin over it so characteristic of the Herakles types on the Attic red-figured vases of the sixth and the fifth centuries (Furtwängler, Roscher's Lexikon, vol. 1. 2, pp. 2147, 2153, 2163, 2167). The Ionic type is closely similar and is known to have influenced Etruscan art strongly, for Herakles in Etruscan art is almost always beardless; cf. the amphora of Ionic style showing a combat between Herakles and Juno Sospita, Bericht. d. Berl. Arch. Gesell., Nov. 1, 1887; Furtwängler, Roscher's Lexikon, vol. 1. 2, p. 2153; Walters, Art of Greeks, p. 248. The association of Herakles with feminine deities in Greek and Etruscan art is very common. It would seem temerity to maintain from an examination of a piece of art of this sort that the artist had in mind any sort of Kult-verbindung. The figures are merely the decorative, stereotyped deities of the Greek and Roman pantheon; cf. Monumenti d. Inst., vol. 3, PL. 43, edited by E. Braun, Annali d. Inst., vol. 14 (1842), pp. 62-67. Here one of the tripod bases represents Hercules and a hooded female, probably Juno Sospita. The other figures are likewise purely ornamental, namely two Sileni, a man, two women, a lion devouring a sheep, and a reclining infant.

[1] Annali d. Inst., vol. 39 (1867), Tav. H, 1; Brunn, Bull. d. Inst., 1858, pp. 49, 50; Roscher's Lexikon, vol. 1. 2, p. 2261;

ferscheid and R. Peter furthermore adduce the handles and bases of certain Etruscan craters.[1] These craters represent the following: (a) Hercules in lion's skin and with club, and a woman crudely imitative of the Sospita type, each standing on the outstretched hand of a Satyr, Hercules on his right. The attitude of Hercules and Juno is one of open hostility.[2] (b) Three instances of a combat between Hercules and a female for some beast, (1) for a hind,[3] (2) for a boar,[4] (3) for a hydra.[5] But this group carries little conviction. The individual representations certainly illustrate acts in the dodekathlon as Reifferscheid himself admits: *quae ornamenta certamen de tripode inter Herculem et Apollinem imitari videntur.*[6] The figure in

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Class. Rev., vol. 20 (1906), p. 375, fig. 3. The ring is doubtless a type of the engagement or marriage ring of the kind mentioned by Tertullian, Apol. 6 cf. Plin. N. H. 33. 3 (12). The fitness of these figures on a marriage ring is obvious from the attributes of Herakles and Hera Eileithyia in Greek mythology, and also from artistic considerations. For the Sospita type of Juno, carried over from the Greek Hera, is, as regards composition and adornment, the exact counterpart of the Herakles in the lion's skin, and the symmetrical adornment lends itself easily to the workmanship of a ring (Overbeck, Kunst-Myth., vol. 2, p. 161).

[1] *In quibus omnibus videmus Herculem cum muliere pugnare clavaeque qua deus minatur opponi a muliere eundem illum cultrum quo Iuno Sispes in anulo supra descripto armata est.* Annali d. Inst., vol. 39 (1867), p. 357.

[2] Micali, Monumenti Inediti, Tav. 21, 5; Roscher's Lexikon, vol. 1. 2, p. 2262.

[3] Monumenti d. Inst., vol. 5, Tav. 52; Braunn, Annali d. Inst., vol. 25 (1853), pp. 124-127; Roscher's Lexikon, vol. 1. 2, p. 2265.

[4] Monumenti d. Inst., vol. 5, Tav. 52; Mus. Greg., 1, Tav. 6, 3.

[5] Mus. Greg., 1. 61, 8.

[6] Annali d. Inst., vol. 39 (1867), p. 357, note 2; cf. Peter, Roscher's Lexikon, vol. 1. 2, p. 2263.

the first[1] is doubtless a Juno Sospita whose choice is due not only to the considerations of artistic symmetry but also to the leading rôle which Hera played in the labors of Herakles in Greek mythology—his opponent throughout life, and the mover of all his tasks. In connection with these representations Reifferscheid is inclined to add Monumenti d. Inst., vol. 6, 7, Tav. 69, 2 b., where Eurystheus conceals himself in a dolium and is protected by a woman.[2] This is obviously alien to the subject. He furthermore interpreted Monumenti d. Inst., vol. 5, Tav. 25, the representation of a man offering violence to a woman, as illustrating Hercules and Juno. Minervini's[3] interpretation makes the figures Herakles and Auge. But the male figure has not a single one of the usual and unmistakable attributes of Herakles or Hercules, nor is the female Juno or Auge. Reifferscheid further[4] cites a bronze figure in the Florentine Museum[5] showing Juno Sospita. Her opponent is wanting but Reifferscheid does not doubt that it was Hercules. And to the natural query, 'why, if Hercules and Juno are *dii conjugales,* should they be represented at strife,' there is the rather naïve reply: "Sie findet ihre einfache Lösung, sobald man annimmt, dass auf diesen Bildwerken Iuno noch nicht die Gattin des Hercules ist, sondern noch Jungfrau, die erst überwunden dem Gotte sich ergiebt. . . . Dass die Jungfrau dem Manne widerstrebt und erst durch Gewalt von ihm bezwungen sein will, ist ein in den Mythen der alten Völker wiederholt hervortretender Zug."[6] All this may be true enough but

[1] Cf. Braunn, Annali d. Inst., vol. 25 (1853), p. 127.

[2] Annali d. Inst., vol. 39 (1867), p. 357, n. 2; cf. Roscher's Lexikon, vol. 1. 2, p. 2263.

[3] Annali d. Inst., vol. 23 (1851), p. 40.

[4] Cf. Roscher's Lexikon, vol. 1. 2, p. 2264.

[5] Gori, Mus. Etrus., vol. 1, Tav. 25.

[6] Peter, Roscher's Lexikon, vol. 1. 2, p. 2264.

is of no great weight so far as it concerns the Hercules-Juno problem.

Finally, as proof of a ἱερὸς γάμος Reifferscheid cited a number of Etruscan tripods on which Hercules is represented in company with a woman.[1] These Reifferscheid and Peter hold as proof of the genius theory. I think that they are much rather attempts to express in art what is so constant a feature of the literature, namely Hercules's amours.[2] The association of Hercules with a female in both literature and art is so common that it lends no special proof to the scattered instances where his companion happens to be Juno. In Greek art Athena[3] is

[1] Annali d. Inst., vol. 39 (1867), p. 361; Roscher's Lexikon, vol. 1. 2, p. 2266; Mus. Greg., 1, Tav. 56 h; Monumenti d. Inst., vol. 3 (1842), Tav. 43; Braunn, Annali d. Inst., vol 14 (1842), pp. 62-67; ibid. vol. 57 (1885), Tav. G. H, and p. 221.

[2] They belong to the Bacchic cycle of H. Aphrodite in Greek myth is the rest from his toil; cf. Arist. Herc. p. 62; Babelon et Blanchet, Cat. des Bronzes, 1286 = Gerhard, Etr. Spieg., vol. 2, p. 451; Ant. Bildw., p. 112; Jahrb. d. k. d. Arch. Inst., vol. 3 (1888), Pl. X, 13; Gaz. Arch., 1880, Pl. 23; Athen. 13. 4; Plut. Q. R. 35; Rom. 5; Macrob. 1. 10, 12; Aug. C. D. 6, 7; Dionys. 1. 43; Solin. 1. 15; Varro, L. L. 5. 53; Cass. Dio fr. 1. 1 = Tzetz. ad Lycophr. 1232; Plut. Fab. Max. 1; Paul. Diac. 87 (M); Sil. Ital. 2. 3; 6. 635; Lact. Div. Inst., 1. 20, 5; Justin. 43. 1, 9; Apollod. 2. 7, 8; Serv. in Aen., 8. 51; Virg. Aen. 7. 659; Jebb, Trach., on v. 460; Furtwängler, Roscher's Lexikon, vol. 1. 2, p. 2249 f.

[3] Furtwängler, Roscher's Lexikon, vol. 1. 2, pp. 2215, 2216, 2191, etc. Gruppe, Griech. Myth. u. Relig., vol. 1, p. 220, note 3; vol. 2, p. 1209; Walters, History of Ancient Pottery, vol. 2, p. 38 ff. Athena is called Ἡρακλέους κόρη on an Attic amphora; cf. Helbig, Bull. d. Inscr., 1866, p. 181; Kretschmer, Griech. Vaseninschr., p. 198. Attempts have been made, unsuccessfully, to account for this union of H. and Athena on the ground of a mystic marriage; cf. Welcker, Griech. Götterlehre, vol. 2, p. 780 ff.; Annali d. Inst., vol. 26 (1854), pp. 45-48.

associated with him in countless representations. In Etruscan art his companion is often Minerva.[1] Both Athena and Hera are associated with Herakles in Greek myth from the earliest Argive legends. The translation of Athena into Minerva and of Hera into Juno is a natural one and rests upon Greek literary and artistic tradition,[2] and not upon a *dii conjugales* idea. I do not believe that in these representations the artist was conscious of any sort of union between Hercules and the feminine deity, and that there is a hidden meaning, can we but find it. It is unsafe to say more than that the *motif* of a man and woman as decorative elements was an especially favorite one with the Etruscans, and that these representations are merely decorative. Etruscan art, as is well known, was dominated and dictated by Greek art.[3]

R. Peter has expounded these works in greater detail than Reifferscheid but has made no addition to the list. His line of reasoning is identical with that of Reifferscheid and brings him to the conclusion: "dass der unter dem Namen Hercules verehrte Gott seinem Ursprunge nach altitalisch, nämlich der Genius Iovis oder Genius schlechthin ist, der in alten verschollenen Mythen und Kultusgebräuchen als der Gemahl der Iuno gefeiert wurde";[4] and later: "Nach dem Vorstehenden ist es zweifellos, dass der Mythus von Hercules und Cacus zunächst als röm-

[1] Gerhard, Etr. Spieg., p. 165; Martha, L'Art Étrusque, p. 324.

[2] Gruppe, Griech. Myth. u. Relig., vol. 1, pp. 461, 462, 467, 468; Martha, op. cit., pp. 316, 320; Walters, Art of Greeks, p. 253.

[3] Martha, L'Art Étrusque, p. 117 ff.; Walters, Art of Greeks, p. 248 ff.

[4] Roscher's Lexikon, vol. 1. 2, p. 2267.

isches Eigentum zu bezeichnen ist."[1] This conclusion I believe to be founded upon evidence that is insufficient and unsatisfactory. It is insufficient when viewed in relation to the wide-spread influence of the Greek Herakles myth in literature and art, and it is unsatisfactory when interpreted in and by itself. For the collection is (1) of uncertain date, (2) of widely varied provenance, and (3) open to two or more interpretations. No single piece is valuable enough or convincing enough to be decisive, and the evidence instead of gathering momentum as it goes rather loses its initial velocity. The different objects are widely distributed and prove nothing for any locality, least of all for Rome. Most are of such mediocrity that it is doubtful if they can be rigidly held to prove anything save the fascination that the personality of the great Argive god exercised over Greece and Rome alike. If Hercules were really the *genius* of men, associated with Juno to form a pair of old Italic gods, *dii conjugales,* one would scarcely expect to find so essential an attribute of the god represented so sparingly and then in specimens so characterless. But while one may venture to disagree with Peter's exposition one can never be too grateful for his learned massing of the material, a debt which every student of the myth must freely acknowledge.

The belief in an Italic Hercules has thus been the dominant one. It was once accepted by Mommsen but later

[1] Ibid. p. 2275. This theory is accepted also by Aust, Religion der Römer, 1899 (Darstell. a. d. Gebiete d. Nichtchristl. Rel. Gesch., vol. 13), p. 146 ff.; cf. the view of A. B. Cook in Classical Review, vol. 20 (1906), pp. 365-378, 416-419, who argues from the same evidence that Herakles (Hercules) was the husband of a gynaecocratic Juno. Cf. Harrison, Class. Rev., vol. 7 (1893), p. 74 ff.; Tümpel, Philologus, vol. 51 (1892), p. 385 ff.; cf. the objections urged by Farnell, Cults of the Greek States, vol. 1, pp. 199-201.

rejected by him.[1] Hillen,[2] after setting forth the literary form of the myth, followed Schwegler in regarding Hercules as the equivalent of Sancus[3] but considered him likewise as the possessor of attributes belonging more properly to Silvanus[4] and to Mars.[5] Hillen furthermore followed Schwegler in the Italic theory, coming to the conclusion: *quum igitur 'Hercules' vocabulum aperte levi litterarum transmutatione ex Graeco* 'Ηρακλῆς *ortum sit, numen hoc ab initio aliter nominatum fuit. Quo vero nomine fuerit appellatum, certo id quidem constitui iam non potest. Duo sane nobis nomina, quibus qui Cacum interemit, de quo eodem nobis nunc quaestio est, appellatus sit, afferuntur; "Recaranus" et "Garanus."*[6] Bréal[7] adopted Mommsen's earlier derivation of *Hercules*.[8] Her-

[1] Unterital. Dialekte, p. 262; History of Rome, vol. 1, p. 230.

[2] De Herculis Romani fabula et cultu, Monasterium, 1856.

[3] Op. cit., p. 31.

[4] Hercules is called the grandson of Silvanus, C. I. L. VI, 329; Buecheler, Anthol. Epigraph., 23; C. I. L. VI, 30738; Hillen, op. cit., p. 21.

[5] Op. cit., p. 37; Macrob. 3. 12; Serv., in Aen., 8. 275, 285.

[6] De Herculis Rom. fab. et cult., p. 39.

[7] Hercule et Cacus, Mélanges de Myth. et de Linguistique, Paris, 1877, pp. 1-161.

[8] Unterital. Dialekte, p. 262. On derivation cf. Preller, Röm. Myth., 3te Aufl., vol. 2, p. 278, note 2, 279; Grassmann, Die italischen Götternamen, Zeitschr. f. vgl. Sprachf., vol. 16 (1867), pp. 103, 104; Ritschl, Opuscula, vol. 2, p. 492 n; Keller, Jahrb. f. Phil., vol. 87 (1863), p. 767; Stolz, Wiener Stud., vol. 8 (1886), p. 152; Weise, griech. Wörter im Latein, p. 315; Corssen, die Sprache d. Etrusker, vol. 1, p. 826; Kühner, Gram. d. lat. Sprache, vol. 1, 87; Corssen, Beiträge z. ital. Sprachkunde, p. 113; von Plante, Gram. d. osk-umbr. Dialekte, vol. 1, pp. 253, 254, n. 1; Stolz, Hist. Gram. d. lat. Sprache, vol. 1, pp. 196, 199; Roscher's Lexikon, vol. 1.2, pp. 2254, 2255; Daremberg et Saglio, Dict., vol. 3.1, p. 124; Wissowa, Relig. u. Kult., p. 220, n. 1.

cules, the god of the *herctum,* was thus Italic and in no way akin to Herakles. "Hercule ne peut donc pas être le dieu qu' on adorait à l' *ara maxima,* qui triomphait de Cacus suivant le cérémonial consacré, et que célébraient les chants des frères Saliens. Le héros grec a usurpé la place d' une ancienne divinité latine dont nous connaîtrons bientôt le nom."[1] But Bréal furthermore, like Schwegler, regarded the myth as ultimately Vedic, and developed the points of apparent similarity in considerable detail.[2]

As might be expected from the nature of his book, Fowler[3] emphasized the cult side, following Peter in part in matters of myth. In the time of Appius Claudius, the censor, the priestly functions of the *Potitii* were entrusted to public slaves, and the custom of the praetor's sacrifice with uncovered head and laurel wreath would thus indicate a reconstruction of the cult in the direction of Greek ritual.[4] While accepting, apparently, the *genius* theory of Reifferscheid and Peter, Fowler questions if the Hercules of the *ara maxima* may not conceal some form of Mars.[5] For the origin of the peculiar custom of offering tithes, either of two possibilities might be suggested. (1) The

[1] Bréal, Hercule et Cacus, p. 47; cf. "nous allons essayer de démontrer que ce dieu est Jupiter, adoré tantôt sous le nom de *Sancus,* tantôt avec le surnom de *Recaranus,*" pp. 51, 152. The *herctum* theory is found also in Fiske, Myths and Myth-makers, Boston, 1891, p. 116, and in Granger, Worship of the Romans, London, 1895, p. 127.

[2] Bréal, op. cit., p. 79 ff.; cf. review of Fr. Spiegel, Zeitschr. f. vgl. Sprachf., vol. 13 (1864), pp. 386-392; Roscher's Lexikon, vol. 1. 2, p. 2279 ff.; Oldenberg, Religion d. Veda, p. 144.

[3] Roman Festivals, pp. 193-197.

[4] Op. cit., p. 194.

[5] Cf. Varro, ap. Macrob., 3. 12, 5; Serv., in Aen., 8. 275; Hillen, de Herc. Rom. fab., p. 37; Preller, Röm. Myth., 3te Aufl., vol. 2, p. 285.

offering of first fruits, which is very wide-spread,[1] may have developed gradually into the system of the fixed tithe as temple ritual grew more costly and burdensome.[2] The sacrifice on the twelfth of August was thus a real offering of the first fruits of the harvest. But "as the city grew, and agriculture became less prominent than military and mercantile pursuits, the practice passed into a form adapted to these—i. e. the *decumae* of military booty or mercantile gain."[3] (2) As a second possibility Fowler suggests that inasmuch as the myth is unique in Latin mythology, and "the Hercules of the myth has nothing in common with the genuine Italian Hercules, whom we may now accept as = *genius,* or the masculine principle";[4] the anomaly of myth and cult, perhaps ultimately of Semitic origin, may have been imported from Sicily to the Tiber side.[5]

The attempt to make an Italic divinity of Hercules has not failed for want of supporters; but strange as it may seem the belief that the Roman Hercules was purely Greek in both myth and cult has, until very recently, found scant recognition. Dürrbach[6] entered a general protest against Reifferscheid's interpretation of certain works of art but did not take up the theory in detail. Wilamowitz-Moellendorff devoted a few lines of his brilliant introduction[7] to

[1] Cf. Frazer, Golden Bough, 2d ed., vol. 2, p. 459 ff.; Stengel, Pauly-Wissowa's Real-Encycl., vol. 1, p. 2666 ff.

[2] Cf. Robertson Smith, Religion of Semites, 2d ed., p. 247. This argument applies to the Semites rather than to the Romans. If it were true for the Romans we should expect tithes to be given also to other divinities, which is not the case.

[3] Fowler, Rom. Fest., p. 196.

[4] Fowler, Rom. Fest., p. 196. [5] Op. cit., p. 197.

[6] Daremberg et Saglio, Dict., vol. 3. 1, pp. 124-128.

[7] Herakles, 2te Aufl., vol. 1, p. 25 and note; cf. Pais, Ancient Italy, Chicago, 1908, p. 339.

a protest against the Italic Hercules, a protest that touches the heart of the matter: "Es haben sich natürlich vereinzelt italische sagen an den fremden heros geheftet, und die Italiker haben dem körper, den sie übernahmen, den odem ihrer eigenen seele eingeblasen: aber wie der name ist die gestalt des Hercules hellenischer import. Die versuche, eine urverwandte oder auch durch zufällige namensähnlichkeit identificirte italische gottheit in ihm zu sehen, sind zum glücke fast allgemein aufgegeben." But the sanest and by far the most satisfactory treatment that has yet been given the subject is that presented in Wissowa's brief pages.[1] Hercules, though purely Greek, was always worshipped inside the *pomerium*,[2] since the Romans received him, as they did the Dioskuroi, through the mediation of Latin neighbors.[3] The nationality of the god is shown by his name, and Wissowa believes that the prominence of the Oscan Campanian cult points to the way by which he entered Rome. The centre and ultimate source of this worship was to be found in Cumae, whose legends contained clear traces of the myths later current in Rome.[4] Tusculum,[5] Praeneste,[6] Lanuvium,[7] and especially Tibur[8] were influential cult centres, and in the case of Tibur, it is more probable that the worship passed from Tibur to Rome than from Rome to Tibur.[9] The sacrifice of the

[1] Relig. u. Kult. d. Römer, München, 1902, pp. 219-231; Pauly-Wissowa's Real-Encycl., vol. 3, pp. 1165-1169, s. v. Cacus.

[2] Cf. Tac. Ann., 12. 24; Platner, Pomerium and Roma Quadrata, A. J. P., vol. 22 (1901), pp. 420-425; Carter, A. J. A., vol. 12 (1908), pp. 172-183.

[3] Relig. u. Kult., p. 219.

[4] Ibid. p. 220.

[5] C. I. L. X, 3808.

[6] C. I. L. XIV, 2890-2892.

[7] Tertull. ad Nat., 2. 7.

[8] C. I. L. XIV, 3541-3555; XIV, 367 ff.; cf. Mart. 1. 12, 1, and 4. 62, 1; Macrob. 3. 2; Liv. 1. 20; Cato, R. R. 141; Serv., in Aen., 8. 285.

[9] Relig. u. Kult., p. 220.

Potitii and *Pinarii* was originally a *sacrum gentilicium*[1] which became Graecized in ritual when it was transferred to the care of state slaves in the time of Appius Claudius, the censor.[2] Both families were probably of Tiburtine origin.

Before the reorganization of the worship at the *ara maxima* in the direction of Greek ritual took place, the purely Greek worship had found place in Rome along with the Tiburtine. For Hercules appears in the first lectisternium of 399 B. C.[3] and maintains his place in the repetition of the ceremony until the great lectisternium of 217 B. C.[4] in which he has no part. In 218 B. C. he had a lectisternium of his own and a *supplicatio* with Juventas in his temple,[5] and in 188 B. C. his statue was erected in accordance with a decree of the decemviri.[6] All this refers not to the Hercules of the *ara maxima*[7] but to the Greek new-comer. There were thus in Rome two groups of Hercules sanctuaries, that of the Tiburtine Hercules in the Circus Maximus, and that of the Greek Hercules in the Circus Flaminius,[8] the latter never acquiring any deep religious significance.

Peter's theory is discredited in general terms.[9] The most distinctive feature of the ritual, namely the offering of the *decumae,* is purely Greek, and has its origin in the commerce of merchants.[10] The myth of the encounter with Cacus is the elaboration of the Greek myth of Alkyoneus

[1] Cf. Niese, Grundriss d. römischen Geschichte, 3te Aufl., p. 36.
[2] Virg. Aen., 8. 276-285; Relig. u. Kult., p. 222.
[3] Liv. 5. 13, 6; Dionys. 12. 9.
[4] Liv. 22. 10, 9. [5] Liv. 21. 62, 9.
[6] Liv. 38. 35, 4; Relig. u. Kult., p. 223.
[7] Cf. Balbus, ap. Macrob., 3. 6, 16.
[8] Relig. u. Kult., p. 224.
[9] Ibid. p. 225, 227. [10] Ibid. p. 225.

and Geryon, and is modelled upon some lower Italic version, since a Campanian bronze[1] shows the punishment of a robber, first called Cacus in Rome, by Herakles. The aetiological features of the Virgilian version cannot greatly antedate Virgil. The accounts of Timaeus[2] and of Gn. Gellius[3] are older aetiological explanations of the *scalae Caci,* and Flaccus's variant of Garanus is a piece of Euhemeristic transformation.[4]

Until Wissowa all scholars concerned themselves with the attempt to interpret the meaning of the myth as it is presented by all the various accounts,[5] and no endeavor was made to separate and to compare these various accounts to find, if possible, the earliest form or forms of the myth at Rome. Wissowa indicated certain general lines of similarity. This method, which I have followed and furthered in detail, is, I believe, essential to the true interpretation of some of the many perplexing features of the myth. A resolution of the mythical complex into its elements and the evaluation of the various versions must precede studies in ritual and religion. To determine the sources and the relation of the various parts of the myth to one another and to determine, if possible, the earliest form and content of the literary form of the myth at Rome is the aim of the present study.

[1] Monumenti d. Inst., vol. 5 (1849-1853), Tav. 25; Annali d. Inst., vol. 23 (1851), p. 36 ff.; Relig. u. Kult., p. 230; Pauly-Wissowa, Real-Encycl., vol. 3, p. 1169; Robert, Hermes, vol. 19 (1884), p. 480.

[2] Diod. 4. 21. [3] Solinus, 1. 8.

[4] Relig. u. Kult., p. 230.

[5] Cf. Wissowa, Pauly-Wissowa, Real-Encycl., vol. 3, p. 1168.

CHAPTER II

RELATIONSHIP AND SOURCES OF THE VERSIONS

The myth of Hercules at Rome forms part of the Locrian Geryon cycle.[1] In it we clearly have a mythical complex or combination and blending of various mythical elements into more or less of a unity. These elements are discerned in the institution at Rome known as the *ara maxima*[2] and

[1] Gruppe, Griech. Myth. u. Relig., vol. 1, pp. 459 and note, 460, 469; Wilamowitz-Moellendorff, Herakles, 2te Aufl., p. 24; considered Rhodian by P. Friedländer, Herakles, Berlin, 1907, p. 21 ff.

[2] The location of the Hercules sanctuaries, fundamental for the topography of the Forum Boarium, is of unusual difficulty. The *ara maxima*, forming the southwest corner of the Palatine pomerium, was probably near the entrance to the Circus Maximus immediately west of the northwest end of the Circus, near the present church of S. Maria in Cosmedin. The altar was standing in the fourth century A. D. (cf. C. I. L. VI, 312-319), but no trace of it now remains (Liv. 1. 7; Ovid, F. 1. 581, 582; Tac. Ann. 12. 24 and 15. 41; Serv., in Aen., 8. 269-271). The *aedes Herculis* was near the *ara maxima* and probably a short distance to the northwest of it (Liv. 10. 23; Solin. 1. 10; Plin. N. H. 35. 19). The exact location of the *aedes Herculis Pompeiani* (Vitruv. 3. 2, 5; Plin. N. H. 34. 57), described as *ad circum maximum*, cannot be determined; the structure may have been incorporated into S. Maria in Cosmedin; cf. Jordan. Topogr., vol. 1. 2, pp. 477 ff.; Gilbert, Topogr., vol. 1, pp. 75 ff.; de Rossi, Ara Massima, Monumenti d. Inst., 1854, pp. 28-38; Kluegmann, Arch. Zeit., vol. 35 (1877), p. 107 ff.; Huelsen, Röm. Mitt., vol. 7 (1892), p. 294; Richter, Topogr., 2te Aufl., pp. 32, 33, 132, 187, 188; Platner, Topography and Monuments, pp. 37, 377; Jordan-Huelsen, Topogr., vol. 1. 2 (1907), p. 144 ff.; the literature is cited in Roscher's Lexikon, vol. 1. 2, p. 2901 ff.

its ritual.[1] In the attempt to account for the *ara maxima* and the worship of Hercules there in vogue Roman antiquarians, historians, and poets introduced into their works various myths which, though differing widely in detail, still evidence certain common traits. The common elements in the mythical complex are the combat between Hercules and Cacus, resulting from the theft of Hercules's cattle, the institution of an altar to commemorate the recovery, and the appointment of a priesthood of two ancient patrician families, the *Potitii* and the *Pinarii,* to take charge of the ritual forever. Evander is often associated with the myth, usually as the host of Hercules after the latter's arrival from Erytheia driving the oxen of Geryon. The account of Livy, the first Latin version of any length and definiteness, will serve as a fair example and a starting point (Livy, 1. 7, 3-15).

Before proceeding to compare this account with others it is essential to note some of its chief characteristics. The entire account is clearly aetiological. There is an ancient institution to be accounted for and Livy proceeds to draw the account in characteristic fashion.[2] The core of the myth, which is told with unusual fulness, is the endeavor to account for the method of worship in vogue at the *ara maxima.* This is shown clearly by both the beginning and end of the narrative; *sacra diis aliis Albano ritu, Graeco Herculi, ut ab Euandro instituta erant, facit* (1. 7, 3). *"Iove nate, Hercules, salve" inquit; "te mihi mater, veridica interpres deum, aucturum caelestium numerum cecinit, tibique aram hic dicatum iri, quam opulentissima olim in terris gens maximam vocet tuoque ritu colat." . . . . inde institutum mansit . . . . haec tum sacra Rom-*

[1] Cf. Fowler, Rom. Fest., p. 193 ff.; Wissowa, Relig. u. Kult., p. 222 ff.; R. Peter, Roscher's Lexikon, vol. 1. 2, p. 2901 ff.

[2] Cf. Liv. 43. 13.

ulus una ex omnibus peregrina suscepit (1. 7, 15). The combat of Hercules with Cacus is simply the introduction to the story. Cacus is not pictured as a monster of any sort as in the Virgilian version,[1] but simply as *pastor accola eius loci . . . . ferox viribus* who takes a violent fancy to the cattle. Evander, the king of the region, is the first to welcome the travel-worn hero and to institute the sacrifice in his honor. These sacrifices are entrusted for their perpetual performance to two ancient families of distinction, the *Potitii* and the *Pinarii*.

In its outlines Livy's narrative does not stand alone, as will be seen later. Its value as a factor in the development of the myth-complex depends in a great measure upon the relationship which it bears to its sources. The determination of the sources is hedged about with difficulties,[2] yet the lines can be drawn fairly close. It is to be noted that Livy's account is manifestly drawn from some optimate source. Throughout the chief portion of the myth the point of view is patrician. Cacus is merely *pastor accola,* Evander is a king, *venerabilis vir miraculo litterarum,* whose mother is a *veridica interpres deum,* the altar an institution *quam opulentissima olim in terris gens maximam vocet, tuoque ritu colat,* the *Potitii* and *Pinarii, tum familiae maxime inclitae,* whereof the *Potitii* continued *donec tradito servis publicis solemni familiae ministerio genus omne Potitiorum interiit.*[3]

That the myth is not of his own making he indicates at the outset by *memorant* (1. 7, 4), corresponding to a similar *ferunt* (1. 5, 1) in the account of Evander and the Palatine. Now it is generally agreed that in Livy's first

[1] Aen. 8. 190 ff.

[2] Cf. Soltau, Livius' Geschichtswerk, Leipzig, 1897, p. 85; Schanz, Römisch. Litteraturgeschichte, 2te Aufl., vol. 2. 1, p. 260.

[3] Cf. Liv. 9. 29, 9.

pentade only four sources were employed, namely Piso, Antias, Macer, and Tubero, with a probability of the use of the Latin version of Fabius Pictor.[1] From among these, then, our choice must be determined. The strictly annalistic character of Piso's work[2] renders improbable the use of that source; and Fabius may be eliminated under the same characterization. For Livy's account is full. Again, the general character of Macer, his manifest espousal of the plebian cause, and repeated thrusts at patrician pretensions[3] render his ultimate authorship of this passage, marked as it is by patrician sentiment, extremely unlikely. Antias and Tubero remain and it is difficult to decide between them.

Livy's indebtedness to Antias in his first book is well known[4] and the passage might have come from him directly. But there are reasons which lead one to believe that it is Tubero rather than Antias whom Livy has here used as his source. The character of the passage is in keeping with what is known of Tubero, the friend of Cicero, and like Cicero a narrow optimate.[5] That Livy used Tubero is shown by 4. 23, 1-3.[6]

[1] Cf. Soltau, Livius' Geschichtswerk, pp. 8, 193; Schanz, Röm. Litt., 2te Aufl., vol. 2. 1, p. 260.

[2] Cf. Cic. Brut. 27, 106; de Orat., 2. 12, 53; Soltau, Livius' Geschichtswerk, pp. 193, 198; der Annalist Piso, Philologus, vol. 56 (1897), pp. 118-129; Peter, Hist. Rom. Rel., vol. 1, p. clxxxxv.

[3] Cf. Soltau, Macer u. Tubero, Neue Jahrb. f. Phil. u. Paed., vol. 155 (1897), pp. 409-432, esp. p. 417; cf. Peter, Hist. Rom. Rel., vol. 1, p. cccxxxviii.

[4] Soltau, Livius' Geschichtswerk, p. 197; Macer u. Tubero, Neue Jahrb. f. Phil. u. Paed., vol. 155 (1897), p. 410.

[5] Cic. pro Lig., 4, 10; Soltau, Macer u. Tubero, Neue Jahrb. f. Phil. u. Paed., vol. 155 (1897), p. 416; Livius' Geschichtswerk, p. 108.

[6] The reading *atque Tubero* of the Weissenborn-Muller text,

Livy's use of the word *ferunt* in 1. 5, 1 introducing the story of Evander and the Lupercalia has already been referred to. This passage (1. 5, 1 ff.) is confessedly a variant from Antias. A new source is in use therefore. For fragment 1 of Antias,[1] the story of Acca Larentia, is the same as Livy 1. 4, 7; and Livy 1. 7, 2, which deals with the quarrel between Romulus and Remus, is the substance of Dionysius 1. 87, which is from Antias.[2] The passage beginning with the narrative of Evander and the Lupercalia (1. 5, 1) is introduced, then, as an addition to the regular course of Antias's narrative. That it is an addition is manifest from examination; and a comparison with fragment 3 of Tubero[3] shows conclusively[4] that it is an addition made from Tubero. Just how far Livy continued to use Tubero it is impossible to say, up to 1. 5, 5, at least. At any rate, Antias, as has been shown, is again his source beginning with the words *vulgatior fama* (1. 7, 2). And this source, moreover, continues to 1. 7, 3, where the myth of Hercules, introduced by *memorant,* indicates a change. And the change, in all probability, is made back to Tubero. Tubero's influence clearly ends with the

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Lipsiae, 1906, accredited to G. F. Unger, p. xxxv, instead of *et Q. Tubero* of the earlier editions and *etq. Tubero* of the codices was suggested by Soltau, Hermes, vol. 29 (1894), p. 631. Livy does not use the praenomen in citations from the annalists, although he is careful to use it with historical characters.

[1] Gell. 7. 7, 1; Peter, Hist. Rom. Rel., vol. 1, p. 237; Hist. Rom. Frag., p. 152.

[2] Peter, Hist. Rom. Rel., vol. 1, p. 237 and n. 2; Soltau, Livius' Geschichtswerk, p. 198.

[3] Dionys. 1. 80; Peter, Hist. Rom. Rel., vol. 1, p. 311; Hist. Rom. Frag., p. 200.

[4] Schwartz, Pauly-Wissowa's Real-Encycl., vol. 5, p. 957, doubts on insufficient grounds the relationship of Dionys. 1. 80 and Livy 1. 5.

beginning of chapter 8, for its opening lines follow in thought directly after 1. 7, 3, inasmuch as the subject after the long digression is Romulus again as it had been above, although it is not expressed. Thus:

Palatium primum, in quo ipse erat educatus, muniit. Sacra diis aliis Albano ritu, Graeco Herculi, ut ab Euandro instituta erant, facit (1. 7, 3) . . . . (Myth of Hercules, variant from Tubero) . . . . rebus divinis rite perpetratis vocataque ad concilium multitudine, quae coalescere in populi unius corpus nulla re praeterquam legibus poterat, iura dedit (1. 8, 1).

Finally, Dionysius, whose myth of Hercules bears a detailed resemblance to the account of Livy in thought and phraseology, as will be shown later, mentions Tubero directly as his source for a portion of Roman myth that in Livy precedes (1. 5, 1 ff.) but in Dionysius follows the myth of Hercules (Dionys. 1. 80). These reasons lend warrant to a belief in Tubero rather than Antias as the source of Livy's myth of Hercules. Antias, in characteristic fashion, would at least have stated the precise number of cattle stolen, as he did that of the Sabine maidens. Livy's account, then, is that of the later, not the earlier, annalists and is in all probability the version of Tubero.

Reference has been made to the perpetuity of the sacrifice and the death of the *Potitii*. This portion of the myth is again mentioned by Livy, 9. 29, 9-11.[1]

[1] It is to be noted that Livy 1. 7, 14 *donec Pinarium genus fuit* speaks as if the *Pinarii* as well as the *Potitii* had become extinct in his day. This cannot have been the case. It is true that the *Potitii* are never found in literature or inscriptions: the name may be wholly fictitious. But the *Pinarii* appear repeatedly. Cicero, de Orat., 2. 65 reports a proverb of M. Pinarius: *ut sementem feceris, ita metes;* cf. pro dom., 52, 134. Tac. Ann. 4. 34 mentions Pinarius Natta among the accusers of Cremutius Corda. Plut. Num., 21 traces the family to one of the sons of Numa: *Τέσσαρας νίοὺς ἀναγράφουσιν αὐτῷ*

Soltau[1] assigns the section 9.. 29-30 to Antias, but elsewhere[2] suggests that 9: 29, 6 ff., may come from Macer. Macer, rather than Antias, I think, is probably the source, although his influence does not begin with 9. 29, 6. For a closer examination of the two chapters will show that 9. 29, 9-11, the portion under consideration, is in reality an insertion from a new source different from the rest in spirit and content, whose omission would in no wise mar or alter the sequence of the narrative, since 9. 30 follows in thought immediately upon 9. 29, 8. Its difference is unmistakable. In 9. 29, 6, 7, 8, the sections[3] immediately preceding the passage in question, 9-11, Appius Claudius is given high praise for his public services, whereas in the portion following them there is a thrust at both him and the noble families of the *Potitii*. Again, the words *et censura clara eo anno App. Claudii et C. Plautii fuit,* in section 6, render the opening words of section 9, *eodem Appio auctore,* formal and redundant.

The fact of the insertion of the passage from a new source being thus almost certain, it remains to find the source. The choice must lie between Piso, Macer, Tubero, the Latin version of Fabius, and Quadrigarius. Piso and Tubero themselves belonged to the optimates, as did Fabius and Quadrigarius. Upon these the passage in question re-

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Πόμπωνα, Πῖνον, Κάλπον, Μάμερκον . . . εἶναι γὰρ ἀπὸ μὲν τοῦ Πόμπωνος τοὺς Πομπονίους, ἀπὸ δὲ Πίνου τοὺς Πιναρίους. Cf. Serv., in Aen., 8. 269: *unde et Pinarii dicti sunt* ἀπὸ τῆς πείνας *id est a fame;* cf. Pseudo-Serv., in Aen., 8. 270; Macrob. 3. 6, 12; Liv. 9. 34; 2. 56; 24. 37-39; 4. 25; 40. 18, 25; Plut. Q. R. 60; Fest. (Ponor), p. 300; Solin. 1. 10; Myth. Vat., 1. 69; 2. 153; 3. 13,7; Mommsen, Römische Forschungen, vol. 1, p. 116; Rohden-Dessau, Prosopographia Imp. Rom., vol. 3, p. 39 ff.

[1] Livius, Geschichtswerk, p. 208.

[2] Op. cit., p. 134.

[3] From Antias, cf. Soltau, op. cit., p. 208.

Macrobius. Asper is cited twice[1] by Servius upon grammatical points but nowhere by the Pseudo-Servius. And it is more than probable that for these two citations Servius did not independently consult Asper but quoted him from the citation of some other commentator,[2] doubtless Donatus, his chief source.[3] The Pseudo-Servius, besides using Donatus, must have referred to some encyclopedic work containing a number of variant views concerning Roman myth and ritual. These variants are almost always introduced by the indefinite *alii* or *quidam dicunt*,[4] but where an authority is cited it is Varro almost exclusively.[5] This encyclopedic work was doubtless that of Suetonius, whose writings formed the great treasure house for Servius and other antiquarians.[6] The great number of references to Varro show conclusively Suetonius's indebtedness; and the remarkably close resemblance to Livy proves that Varro must have drawn from the same source as Livy, namely the later annalists.

Another version closely similar to Livy 9. 29, is given by Festus. In Livy the *Potitii* comprised twelve families

[1] Serv., in Aen., 8. 383; 11. 801.

[2] Cf. Servius's method of citation in Aen., 6. 177; 7. 543; 8. 406; G. 2. 324, etc.

[3] Cf. Serv. *praef.* in Buc.; Thilo, Servii Gram. Com., vol. 1, p. lxxv f.; Keil, Gram. Lat., vol. 4, p. liii f.; P. Wessner's Aemilius Asper: Ein Beitrag zur römischen Literaturgeschichte: Beilage zum Jahresbericht der Latein. Hauptschule in den Franck. Stiftungen zu Halle a. S., 1905, has been inaccessible to me; cf. Berl. Phil. Woch., vol. 27 (1907), pp. 1424-1427; Wessner, Donatus, Pauly-Wissowa, Real-Encycl., vol. 5, p. 1546 f.

[4] Cf. Pseudo-Serv., in Aen., 8. 1, 9, 40, 43, 51, 63, 65, 103, 130, 138, 183, 189, etc.

[5] Cf. 8. 230, 275, 276, 285, 330, 363, 526, 564, 600, 698, 710.

[6] Schanz, Röm. Litt., vol. 3, 2te Aufl., p. 65 f.; Thilo, Servii Gram. Com., vol. 1, p. lxxvii.

of thirty youths who died within a year. In Festus there are still twelve families but they die within thirty days, while nothing is said about the number of youths. An interesting perversion of numbers thus occurs. It is not probable, however, that it is a case of simple confusion. It is more likely that Festus's notice is due to another source. Festus, as is well agreed,[1] abridged the work of Verrius Flaccus who besides using the annalists is indebted to Varro as well.[2] The fact that the twelve families die within thirty days and that the amount of the bribe is definitely put at *quinquaginta millia aeris gravis,* a detail noted only here and in the probable reconstruction of another identical passage in Festus, M. p. 217 = Ponor, p. 270,[3] may point to Antias, the arithmophile, as the ultimate source for the version found in Festus. Almost identical with it to a point of verbal similarity is the notice in the *Origo Gentis Romanae:*

Potitium et Pinarium Hercules, cum ad aram, quae hodieque maxima appellatur, decimam boum, quos a Geryone abductos abigebat Argos in patriam, profanasset, genus sacrifici edocuit. quae familia et posteri eius non defuerunt decumantibus usque ad Appium Claudium Isque mos (the tithing mentioned and the presence of the Potitii at the feast) permansit usque Appium Claudium Censorem . . . . verum postea Appius Claudius accepta pecunia Potitios illexit, ut administrationem sacrorum Herculis servos publicos edocerent . . . . Quo facto

[1] Schanz, Röm. Litt., vol. 2. 1, 2te Aufl., p. 321.

[2] Cf. the order of citation, Origo Gent. Rom. *init.*, p. 207. below; Sanders, Annals of Varro, A. J. P., vol. 23 (1902), pp. 28-45; Univ. Mich. Stud., vol. 1, p. 15.

[3] Potitii cum ad *Hercule ritum *sacrificandi accepissent, eum* millibus aeris gra*vis quinquaginta edocuisse dicuntur* servos publicos *P. R. *quo facto Potitii intra diem* xxx, cum eius famili*ae xii fuissent, omnes interierunt.* The italicised words form the reconstruction of the broken passage.

Censorem, qui quinquaginta millia aeris gravis his dedit, ut servos publicos edocerent ritum sacrificandi: quo facto Potiti, cum essent ex familia numero duodecim, omnes intererant intra diem xxx. Pinarius quod non adfuit sacrificio, postea cautum est, ne quis Pinariorum ex eo sacrificio vesceretur.

Festus M., p. 237 (Ponor, p. 300)=M., p. 217 (Ponor, p. 270).

aiunt intra dies triginta omnem familiam Potitiorum, quae prior in sacris habebatur, extinctam . . . . ut Potitiis sacra facientibus, vescentibusque de eo bove, quem immolaverant, postquam inde nihil reliquissent, Pinarii deinde admitterentur.

Origo Gent. Rom., 8.

Other and more decided changes were also introduced by Verrius Flaccus. At first sight they seem so radical that it has been supposed by Reifferscheid,[1] followed by R. Peter,[2] that an old, original form of the myth is related.[3] In the Pseudo-Servius *in Aen.*, 8. 203, there occurs the peculiar statement that Verrius Flaccus, in opposition to common agreement, said that the victor over Cacus was a shepherd of extraordinary strength whose name was Garanus:

Sane de Caco interempto ab Hercule tam Graeci quam Romani consentiunt, solus Verrius Flaccus dicit Garanum fuisse pastorem magnarum virium, qui Cacum adflixit, omnes autem magnarum virium apud veteres Hercules dictos. (Pseudo-Servius, *in Aen.*, 8. 203.)

Now it is precisely this form of the myth that appears in the work known as the *Origo Gentis Romanae,* attributed to Aurelius Victor.[4] In the *Origo,* to be sure, the name is

[1] Annali d. Inst., vol. 39 (1867), pp. 352-362.

[2] Roscher's Lexikon, vol. 1. 2, p. 2273 ff.

[3] Cf. above, p. 178 ff.

[4] For the complete discussion of the much disputed problem of the date and authorship of the Origo cf. the literature cited by Schanz, Röm. Litt., vol. 4. 1, 2te Aufl., pp. 61-63.

Recaranus. But this can be accounted for. In the passage in the Pseudo-Servius the name may be written *Caranus.*[1] The similarity in sound is sufficient warrant for the slight difference in spelling, and in any case the interchange of *C* and *G* is common enough to occasion no surprise.[2] The longer form *Recaranus* is closely parallel to the older Alban name *Aremulus, Remulus, Remus.*[3] There can be no question regarding the identity of *Garanus, Caranus, Recaranus.* The *Garanum . . . . pastor magnarum virium* of Verrius Flaccus according to the Pseudo-Servius *in Aen.*, 8. 203, reappears as *Recaranus quidam . . . . magnarum virium pastor* in the *Origo* 6.

The passage bears further marks of the antiquarian's refinement. Evander is *excellentissimae iustitiae vir.* Cācus[4] has become κακός and therefore, naturally, *Euandri servus,* the Goodman's thrall, *nequitiae versutus, et praeter cetera furacissimus.* This ethical philology is of a piece with Servius *in Aen.*, 8. 190: *Veritas tamen secundum philologos et historicos hoc habet, hunc fuisse Euandri nequissimum servum ac furem*—the language is the same as in the *Origo—novimus autem malum a Graecis* κακόν *dici: quem ita illo tempore Arcades appellabant. Postea translato accentu Cacus dictus est, ut* Ἑλένη *Helena.*[5] Carmenta is mentioned, but in a different connection from that

[1] Cf. Jordan, Hermes, vol. 3 (1869), p. 409.

[2] Festus (Ponor), p. 242; *Orcum quem dicimus, ait Verrius ab antiquis dictum Uragum, quod et u litterae sonum per o efferebant; per c litterae formam nihilominus g usurpabant;* Pauli Exc. *C enim pro G frequenter ponebant antiqui;* Plut. Q. R., 54.

[3] Cf. Origo 18. 2; Ovid, M. 14. 616; F. 4. 49; Liv. 1. 3; Hier. Chron., a Abr., 1142; Oros. Hist., 1. 20, 5.

[4] Virg. Aen., 8. 194.

[5] Cf. Myth. Vat., 1. 66: *secundum veritatem fuit Euandri servus pessimus et fur;* 2. 153.

in Livy 1. 7, 8. The passage bears little detailed resemblance to Livy. It reads:

Eo regnante, forte Recaranus quidam, Graecae originis, ingentis corporis et magnarum virium pastor, qui erat forma et virtute ceteris antecellens, Hercules appellatus, eodem venit. Cumque armenta eius circa flumen Albulam pascerentur, Cacus, Euandri servus, nequitiae versutus et praeter cetera furacissimus, Recarani hospitis boves surripuit; ac ne quod esset indicium, aversas in speluncam attraxit. Cumque Recaranus, vicinis regionibus peragratis, scrutatisque omnibus eiusmodi latebris, desperasset inventurum, utcumque aequo animo dispendium ferens, excedere his finibus constituerat. At vero Euander, excellentissimae iustitiae vir, postquam rem, uti acta erat, comperit, servum noxae dedit, bovesque restitui fecit. Tum Recaranus sub Aventino Inventori Patri aram dedicavit, appellavitque Maximam[1] et apud eam decimam sui pecoris profanavit. Cumque ante moris esset, uti homines decimam fructuum regibus suis praestarent, aequius sibi ait videri, deos potius illo honore impartiendos esse, quam reges; inde videlicet tractum, ut Herculi decimam profanari mos esset, secundum quod Plautus: 'in partem,' inquit, 'Herculaneam,' id est, decimam. Consecrata igitur ara maxima, profanataque apud eam decima, Recaranus, eo quod Carmentis invitata ad id sacrum non adfuisset, sanxit, ne cui feminae fas esset vesci ex eo, quod eidem arae sacratum esset: atque ab ea re divina feminae in totum remotae. (Origo, 6.)

The use of Verrius Flaccus by the author is certain both from the detailed verbal resemblance[2] and the introduction of *Recaranus* as the chief character (= *Garanus* of Verrius Flaccus *apud* the Pseudo-Servius *in Aen.*, 8. 203), a variant found only here. That use was made of Verrius Flaccus

[1] The author takes it for granted that the *ara Inventori Patri* was identical with the *ara maxima;* cf. de Rossi Monumenti d. Inst., 1854, p. 38; Platner, Top. and Mon., pp. 377, 395; Richter, Topogr., 2te Aufl., pp. 32, 33, 132, 187; above, p. 193, note 2.

[2] Cf. p. 203 f.

is furthermore expressly stated in the opening of the work:

A Iano et Saturno conditoribus, per succedentes sibimet reges, usque ad consulatum decimum Constantii, digesta ex auctoribus Verrio Flacco, Antiate (ut quidem idem Verrius maluit dicere, quam Antia), tum ex annalibus pontificum, dein Cnaeo Egnatio Veratio, Fabio Pictore, Licinio Macro, Varrone, Caesare, Tuberone, atque ex omni priscorum historia, proinde ut quisque neotericorum asseveravit, hoc est, et Livius, et Victor Afer.

The mention of Verrius Flaccus first in this exceedingly uncritical order of citation is significant. The rest may have been used, if at all, as the author found them in Verrius Flaccus. The character of the work precludes the idea of original investigation extending to the older annalists.[1] But the author with characteristic show of research cites as his authority Cassius.[2] Just what Cassius is meant it is impossible to say. One naturally thinks of the annalist L. Cassius Hemina.[3] Peter,[4] however, does not include the passage under the fragments of Hemina. At any rate, the fact that *Cassius lib.* 1 is cited by the *Origo* as its source is absolutely no proof that the author consulted it, while there is conclusive evidence of his use of Verrius Flaccus.

But there is also a second version of the myth in the *Origo* 7, 8, professedly found *in libris pontificalium* which approximates closely the version of Livy 1. 7, 3-15. There are slight variations, however, which render it improbable

[1] Cf. Jordan, Ueber das Buch origo gentis romanae, Hermes, vol. 3 (1869), pp. 389-425; Mommsen, Hermes, vol. 12 (1877), pp. 401-408; Baehrens, N. Jahrb. f. Phil. u. Paed., vol. 135 (1887), pp. 769-781; Schanz, Röm. Litt., vol. 4. 1, 2te Aufl., p. 61.

[2] *Haec Cassius lib.* 1. 7.

[3] Accepted by Hillen, de Herc. rom. fab., p. 39.

[4] Hist. Rom. Rel., vol. 1, pp. 95-108; Hist. Rom. Frag., pp. 68-74.

that Livy was the source. Hercules is called the son of Jupiter and Alcmene; a cause for his driving the oxen of Geryon is found in his desire to introduce this particular breed of cattle into Greece. Cacus, instead of a shepherd, is a robber and steals eight cattle[1] while in Livy he took all the finest.[2] A reason is given for the name of the *Pinarii*, *ἀπὸ τοῦ πεινᾶν*.[3] Women are excluded from participation in the sacrifice, and the *Potitii* die *intra dies triginta*. The account reads:

At vero in libris pontificalium traditur Hercules, Iove atque Alcmene genitus, superato Geryone, agens nobile armentum, cupidus eius generis boves in Graecia instituendi, forte in ea loca venisse, et ubertate pabuli delectatus, ut ex longo itinere homines sui et pecora reficerentur, aliquamdiu sedem ibi constituisse. Quae cum in valle, ubi nunc est Circus Maximus, pascerentur, neglecta custodia, quod nemo credebatur ausurus violare Herculis praedam, latronem quendam regionis eiusdem, magnitudine corporis et virtute ceteris praevalentem, octo boves in speluncam, quo minus furtum vestigiis colligi posset, caudis abstraxisse. Cumque inde Hercules proficiscens, reliquum armentum casu praeter eandem speluncam ageret, forte quadam inclusas boves transeuntibus admugisse, atque ita furtum detectum: interfectoque Caco, Euandrum, re comperta, hospiti obviam ivisse, gratantem, quod tanto malo fines suos liberasset; compertoque, quibus parentibus ortus esset Hercules, rem ita, uti erat gesta, ad Faunum pertulisse. Tum eum quoque amicitiam Herculis cupidissime appetisse. Quam opinionem sequi metuit noster Maro.

Cum ergo Recaranus, sive Hercules, Patri Inventori aram maximam consecrasset, duos ex Italia quos eadem sacra certo ritu administranda edoceret, ascivit Potitium et Pinarium. Sed eorum Potitio, quia prior venerat, ad comedenda exta admisso, Pinarius eo quod tardius venisset posterique eius summoti. Unde hodieque servatur nemini Potitio Pinariae gentis in eis sacris vesci licet. Eosque alio vocabulo prius appellatos nonnulli volunt, post vero Pinarios dictos *ἀπὸ τοῦ πεινᾶν*, quod

[1] So also in Virg. Aen., 8. 207 f.

[2] Liv. 1. 7, 5.

[3] Cf. Serv., in Aen., 8. 269.

videlicet ieiuni ac per hoc esurientes ab eiusmodi sacrificiis discedant. Isque mos permansit usque Appium Claudium Censorem ut Potitiis sacra facientibus vescentibusque de eo bove quem immolaverant postquam inde nihil reliquissent, Pinarii deinde admitterentur. Verum postea Appius Claudius accepta pecunia Potitios illexit ut administrationem sacrorum Herculis servos publicos edocerent, nec non etiam mulieres admitterent. Quo facto aiunt intra dies triginta omnem familiam Potitiorum, quae prior in sacris habebatur, extinctam: atque ita sacra penes Pinarios resedisse, eosque tam religione quam etiam pietate edoctos mysteria eiusmodi fideliter custodisse. (Origo, 7. 8.)

The portion from *isque mos* to the end of 8 has already been shown to have been taken from Verrius Flaccus.[1] An examination of the myth in the *Origo* will show that chapter 8 is not a portion of, or in sequence with, chapter 7 as we should expect it to be, but of chapter 6. At the very first of 8 is the form Recaranus again, whereas throughout all of 7 he is called Hercules simply. Again, the end of 6 was concerned with the consecration of the *ara maxima,* a subject taken up immediately in 8 but not mentioned in 7. There is also the same tendency to philological explanation in 8 that appears in the Pseudo-Servius *in Aen.,* 8. 203, and *Origo* 6. It is certain, therefore, that the version of Verrius Flaccus followed in 6 is again taken up in 8.

If this is true, what of *Origo* 7? Chapter 8 being a continuation of chapter 6, which belongs to Verrius Flaccus, is it probable that a new source was consulted by the author of the *Origo* for chapter 7 which presents similarities to the account of Livy? To this we may say that it is quite unlikely that the author consulted for his narrative any account *in libris pontificalium.* The citation of the pontifical books is of no more weight than the men-

[1] Cf. above, p. 203 f.

tion of Cassius in the version of 6. It is unlikely, too, that the myth as given by the *Origo* appeared in the *annales maximi*.[1] The truth doubtless is that the form of the myth in 7 was likewise taken from Verrius Flaccus, who may have indicated some ulterior source. This implies then that Verrius Flaccus must have presented two accounts of the myth, one of Recaranus or Garanus 6, 8, and the other of Hercules 7, drawn by him in turn from different sources. This view is most probable. On the basis of this supposition, furthermore, the general lines of similarity as well as the minor variations between *Origo* 7 and Livy 1. 7, may be accounted for. For the account of *Origo* 7 is clearly of the same class with that of Livy 1. 7, and in this light the mention *in libris pontificalium* is significant. This similarity can then be explained by the fact that both Livy's account in 1. 7 and Verrius Flaccus's as given in *Origo* 7 were derived from the same source or sources, namely from the later annalists.[2] An attempt will be made later to show the origin of Flaccus's variant in 6 and 8.

Of the same class and source as Livy 1. 7 is the account of Dionysius of Halicarnassus 1. 39, 40.[3] Dionysius's narrative relates in full the theft, the combat with Cacus, the erection of an altar to Zeus Heuresios, and the ordination of the *Potitii* and *Pinarii*. The parallelisms to Livy's story are so many and so striking in both order and content that an inference as to the use of the same source is certain, for it is not reasonable to suppose that Livy drew

[1] Cf. Soltau, die Entstehung der annales max., Philologus, vol. 55 (1896), pp. 257-276; Cichorius, Annales, in Pauly-Wissowa, Real-Encycl., vol. 1, pp. 2248-2256.

[2] Cf. p. 198.

[3] Cf. Tzet. Hist., 5, 21 = Cass. Dio, fr. 4. 1a, Boissevain, vol. 1, p. 8. Δίων καὶ Διονύσιος γράφουσι τὰ τοῦ Κάκου.

his narrative from Dionysius, or Dionysius from Livy.[1] The more pertinent parallelisms follow:

DIONYSIUS	LIVY
εὑρὼν δὲ πόαν ἐν αὐτῷ βουκολίδα πολλὴν καὶ καλήν, τὰς μὲν βοῦς ἀνῆκεν εἰς νομήν, αὐτὸς δὲ βαρυνόμενος ὑπὸ κόπου κατακλιθεὶς ἔδωκεν αὑτὸν ὕπνῳ. ἐν δὲ τούτῳ ληστής τις ἐπιχώριος ὄνομα Κάκος περιτυγχάνει ταῖς βουσὶν ἀφυλάκτοις νεμομέναις καὶ αὐτῶν ἔρωτα ἴσχει. ὡς δὲ τὸν Ἡρακλέα κοιμώμενον αὐτοῦ κατέμαθεν, ἁπάσας μὲν οὐκ ἂν ᾤετο δύνασθαι λαθεῖν ἀπελάσας, καὶ ἅμα οὐδὲ ῥᾴδιον (ὂν) τὸ πράγμα κατεμάνθανεν. ὀλίγας δέ τινας ἐξ αὐτῶν εἰς τὸ ἄντρον, ἐν ᾧ πλησίον ὄντι ἐτύγχανε τὴν δίαιταν ποιούμενος, ἀποκρύπτεται ἐμπαλιν τῆς κατὰ φύσιν τοῖς ζῴοις πορείας ἐπισπώμενος ἑκάστην κατ' οὐράν. τοῦτο δὲ αὐτῷ τῶν ἐλέγχων ἀφανισμὸν ἐδύνατο παρασχεῖν ἐναντίας φανησομένης τοῖς ἴχνεσι τῆς ὁδοῦ. ἀναστὰς δὲ μετ' ὀλίγον ὁ Ἡρακλῆς καὶ τὸν ἀριθμὸν ἐπιλεξάμενος τῶν βοῶν, ὡς ἔμαθέ τινας ἐκλειπούσας, τέως μὲν ἠπόρει ποῦ κεχωρήκασι καὶ ὡς πεπλανημένας ἀπὸ τῆς νομῆς ἐμάστευεν ἀνὰ τὸν χῶρον.... ἀμηχανῶν ὁ Ἡρακλῆς ὅ τι χρήσεται τῷ πράγματι εἰς νοῦν βάλλεται προσελάσαι τῷ σπηλαίῳ τὰς ἄλλας βοῦς. ὡς δὲ ἄρα τῆς συννόμου φωνῆς τε καὶ	prae se armentum agens nando traiecerat, loco herbido, ut quiete et pabulo laeto reficeret boves, et ipsum fessum via procubuisse. ibi cum eum cibo vinoque gravatum sopor oppressisset, pastor accola eius loci nomine Cacus, ferox viribus, captus pulchritudine boum cum avertere eam praedam vellet . . . . quia, si agendo armentum in speluncam compulisset, ipsa vestigia quaerentem dominum eo deductura erant, aversos boves, eximium quemque pulchritudine, caudis in speluncam traxit. Hercules ad primam auroram somno excitus cum gregem perlustrasset oculis et partem abesse numero sensisset, pergit ad proximam speluncam, si forte eo vestigia ferrent. quae ubi omnia foras versa vidit nec in partem aliam ferre, confusus atque incertus animi ex loco in-

[1] Cf. Peter, Hist. Rom. Rel., vol. 1, p. lvi; Christ, Griech. Litt., 4te Aufl., p. 663; Schwartz, Pauly-Wissowa, Real-Encycl., vol. 5, p. 946.

DIONYSIUS	LIVY
ὀσμῆς αἱ ἐντοσθεν ἤσθοντο, ἀντεμυκῶντο ταῖς ἔκτοσθεν καὶ ἐγεγόνει ἡ φωνὴ αὐτῶν κατήγορος τῆς κλοπῆς. ὁ μὲν οὖν Κάκος, ἐπειδὴ περιφανὴς ἐγένετο κακουργῶν, τρέπεται πρὸς ἀλκὴν καὶ τοὺς εἰωθότας αὐτῷ συναγραυλεῖν ἀνεκάλει· Ἡρακλῆς δὲ ἀλοιῶν αὐτὸν τῷ ῥοπάλῳ κτείνει	festo agere porro armentum occepit. inde cum actae boves quaedam ad desiderium, ut fit, relictarum mugissent, reddita inclusarum ex spelunca boum vox Herculem convertit. quem cum vadentem ad speluncam Cacus vi prohibere conatus esset, ictus clava fidem pastorem nequiquam invocans morte occubuit.
ὡς δὲ καὶ τοὔνομα καὶ τὸ γένος αὐτοῦ καὶ τὰς πράξεις διεξιόντος ἐμαθον, ἐνεχείριζον αὐτῷ τήν τε χώραν καὶ σφᾶς αὐτοὺς ἐπὶ φιλίᾳ. Εὔανδρος δὲ παλαίτερον ἔτι τῆς Θέμιδος ἀκηκοὼς διεξιούσης, ὅτι πεπρωμένον εἴη τὸν ἐκ Διὸς καὶ Ἀλκμήνης γενόμενον Ἡρακλέα διαμείψαντα τὴν θνητὴν φύσιν ἀθάνατον γενέσθαι δι' ἀρετήν	. . . . rogitat, qui vir esset. ubi nomen patremque ac patriam accepit "Iove nate, Hercules, salve" inquit . . . . dextra Hercules data accipere . . . . Euander . . . . venerabilior divinitate credita Carmentae matris, quam fatiloquam ante Sibyllae in Italiam adventum miratae eae gentes fuerant . . . . te mihi mater, veridica interpres deum, aucturum caelestium numerum cecinit
βωμὸν αὐτοσχέδιον ὑπὸ σπουδῆς ἱδρύεται καὶ δάμαλιν ἄζυγα θύει πρὸς αὐτῷ	ibi tum primum bove eximia capta de grege sacrum Herculi . . . . factum
καὶ ὡς διδάξειεν αὐτοὺς τὰς θυσίας, ἵνα διὰ παντὸς αὐτῷ κεχαρισμένα θύοιεν, οἴκους δύο τῶν ἐπιφανῶν παραλαβών, εἶναι δὲ τοὺς μαθόντας τότε τὴν Ἑλληνικὴν ἱερουργίαν Ποτιτίους τε καὶ Ηιναρίους, ἀφ' ὧν τὰ γένη διαμεῖναι μέχρι πολλοῦ τὴν ἐπιμέλειαν ποιούμενα τῶν θυσιῶν, ὡς	adhibitis ad ministerium dapemque Potitiis ac Pinariis, quae tum familiae inclitae ea loca incolebant . . . . Potitii ab Euandro edocti antistites sacri eius per multas aetates fuerunt.

DIONYSIUS	LIVY
ἐκεῖνος κατεστήσατο, Ποτιτίων μὲν ἡγουμένων τῆς ἱερουργίας καὶ τῶν ἐμπύρων ἀπαρχομένων, Πιναρίων δὲ σπλάγχνων τε μετουσίας εἰργομένων καὶ ὅσα ἄλλα ἐχρῆν ὑπ' ἀμφοῖν γίνεσθαι τὴν δευτέραν τιμὴν ἐχόντων. ταύτην δὲ αὐτοῖς προστεθῆναι τὴν ἀτιμίαν ὀψίμου τῆς παρουσίας ἕνεκα, ἐπειδὴ ἔωθεν αὐτοῖς κελευσθὲν ἥκειν ἐσπλαγχνευμένων ἤδη τῶν ἱερῶν ἀφίκοντο, νῦν μέντοι οὐκέτι τοῖς γένεσι τούτοις ἡ περὶ τὰς ἱερουργίας ἐπιμέλεια ἀνάκειται, ἀλλὰ παῖδες ἐκ τοῦ δημοσίου ὠνητοὶ δρῶσιν αὐτάς....	forte ita evenit, ut Potitii ad tempus praesto essent, hisque exta apponerentur, Pinarii extis adesis ad ceteram venirent dapem. inde institutum mansit, donec Pinarium genus fuit, ne extis sollemnium vescerentur.
ὁ δὲ βωμός, ἐφ' οὗ τὰς δεκάτας ἀπέθυσεν Ἡρακλῆς, καλεῖται μὲν ὑπὸ Ῥωμαίων Μέγιστος, ἔστι δὲ (τῆς) βοαρίας λεγομένης ἀγορᾶς πλησίον.	antistites sacri eius per multas aetates fuerunt, donec tradito servis publicis sollemni familiae ministerio genus omne Potitiorum interiit.
	tibique aram hic dicatum iri, quam opulentissima olim in terris gens maximam vocet tuoque ritu colat.

Dionysius's mention of Tubero has already been referred to.[1] The lines of absolute similarity between Livy 1. 7 and Dionysius 1. 39, 40, in their statement of the myth prove that Tubero must have been used by the latter as well as by the former. Dionysius's general use of younger sources is well known.[2]

But Dionysius after his usual fashion presents us with a second account which he thinks the truer, *ὁ δ' ἀληθέστερος*.[3] According to this 'truer' account (*ᾧ πολλοὶ τῶν ἐν ἱστορίας*

[1] P. 198. Tubero is mentioned as a special source, Thuc. iud., 1; cf. 1. 7; Bocksch, de fontibus Dionysii Hal., Leipz., Studien, vol. 17 (1896), p. 167 ff.

[2] Cf. Soltau, Livius' Geschichtswerk, p. 185; Virck, die Quellen d. Livius u. Dionysius f. d. älteste Gesch. d. Röm. Republik Strassburg, 1877, p. 5 f.; Christ, Griech Litt., 4te Aufl., p. 660.

[3] 1. 41.

σχήματι τὰς πράξεις αὐτοῦ διηγησαμένων ἐχρήσαντο), Hercules is the best general of his time and leader of a force, destroying tyranny and righting wrongs. He comes into Italy not driving cattle but marshalling an army that had overcome Iberia, and had battled with the warlike Ligurians in the Alps 'as told by Aeschylus'[1] and had won only because Zeus hurled down thunderbolts to save his son. He fights with Cacus who is the ruler over a wild race of men inhabiting strongholds, and who with a band had stolen a march on the Greek force and seized their booty while they rested. In the siege that follows Cacus is taken. After sacrificing a tithe of his booty to the gods and founding a shrine Hercules departs into Sicily.[2]

The Euhemerism of this pragmatic account is painfully evident. The very attempt to strip the myth of its fabulous characteristics and to find for it a rationalistic, historical basis indicates the probable source; this version was due to Piso, whose habit it was to attempt the rationalization of myths.[3] Piso, furthermore, is one of the writers whom Dionysius specially mentions as a source.[4] Again, Dionysius approved of Piso's treatment of myths and was quite ready, therefore, to designate his second, pragmatic version as ἀληθέστερος.[5] The influence of Piso is marked in the first five books of Dionysius.[6] But beyond Piso lay an-

[1] Prom. Invinct. ap. Strabo, 4, pp. 182, 183 = fr. 196.

[2] Dionysius, 1. 41-43.

[3] Cf. Peter, Hist. Rom. Rel., vol. 1, p. clxxxxv.

[4] Cf. 1. 7, 3; 79, 4; 2. 38, 3; 4. 7, 5; 4. 15, 5; Peter, Hist. Rom. Rel., vol. 1, pp. 128, 24; 129, 25.

[5] Cf. Varro, L. L. 5. 148 on Curtius, and Sanders, Tarpeia, Univ. Mich. Stud., vol. 1, pp. 2-6; for further indications of Piso's influence upon Dionysius cf. Plut. Num., 21; Diony. 2. 76, 5; Plin. N. H. 28. 14; Diony. 3. 35, 1; Liv. 1. 55, 7; Diony. 4. 50, 5; Plin. N. H. 34. 29; Diony. 5. 35, 2.

[6] Peter, Hist. Rom. Rel., vol. 1, p. clxxxxvii.

other source or sources with all the characteristics of a pragmatic romance. Dionysius's account conforms closely to what is known of the version of Herodoros of Herakleia, who was the first to treat the myth in this manner.[1] As a factor in the development of the Hercules myth, however, the second account of Dionysius can have only a secondary interest because of the evident attempt at rationalization.

Of more interest is the version offered by Strabo 5. 3, 3:

'This, then, is the more commonly accredited story of the founding of Rome (i. e. the legend of Romulus and Remus). But there is an earlier, mythical one which relates that it was an Arcadian colony founded by Evander, by whom Hercules was entertained as a guest while he was driving the oxen of Geryon: and that Evander, upon learning from Nikostrate, his mother (who was skilled in prophecy), that it was Hercules's destiny, after ending his labors, to become a god, told Hercules these matters, dedicated to him a precinct, and performed a Greek sacrifice which is still rendered to Hercules. And Coelius, the writer of Roman history, considers this to be a proof of the Greek founding of Rome, namely the fact that in it this ancestral, Hellenic sacrifice is given to Hercules. The Romans also honor the mother of Evander, regarding her as one of the nymphs, and call her Carmenta.'

This brief version of the myth is clearly of a class with Livy 1. 7 and Dionysius 1. 39, 40. But the differences are almost as striking as the resemblances. The annalistic features of Strabo's account are in much clearer evidence than in either of the others. Cacus and his cave are not mentioned, while the institution of sacrifice on Greek lines is prominent. The interest of Strabo's narrative is furthermore heightened by the mention of his source.

[1] Müller, F. H. G., vol. 2, fr. 3-33; cf. Ephoros, F. H. G., vol. 1, p. 234 ff.; Christ, Griech. Litt., 5te Aufl., vol. 1, p. 431; Wilamowitz-Moellendorff, Herakles, 2te Aufl., vol. 1, p. 100.

Meineke writes ὅ γε Κοίλιος. This reading, then, would make L. Coelius Antipater responsible for this version in Strabo. But Coelius Antipater wrote only of the second Punic war.[1] Coelius moreover wrote in Latin[2] whereas Strabo cites only Greek sources.[3] It is improbable, therefore, that ὅ γε Κοίλιος can be the true reading. The MSS., which are all poor,[4] have ὅ γε Κύλιος;[5] ὁ Κεκύλιος.[6] Lachmann, followed by Meineke, conjectured ὅ γε Κοίλιος. But the true emendation has doubtless been suggested by Peter.[7] Instead of ὅ γε Κοίλιος he would read ὅ γ' Ἀκύλιος. The reading Ἀκύλιος, as Peter points out, is furthermore rendered certain by the fact that fragment 2[8] = Plutarch, Rom., 21, shows that Acilius treated the legends of the founding of Rome in his *annales*. Lastly, Strabo himself, 14. 38 (p. 646), spells the word with *u*.

Strabo's account, then, is that of Acilius the older annalist, and it makes no difference, so far as the content of the myth is concerned, whether Strabo drew directly from Acilius or quoted at second hand from so trustworthy an authority as Polybios or Posidonios, his favorite sources

[1] Cic. orat., 230; Peter, Hist. Rom. Rel., vol. 1, p. ccxv; Schanz, Röm. Litt., vol. 1, 3te Aufl., p. 278 ff.; Gensel, Pauly-Wissowa, Real-Encycl., vol. 4, p. 187.

[2] Cic. de Leg., 1. 2, 6; de orat., 2. 12, 54; Brut., 26, 102; orat., 230.

[3] The only exceptions are Cicero 14. 2, 25; 17. 1, 13; Caesar, B. G. 4. 1, 1; Asinius, 4. 3, 3; Dellius, 11. 13, 3.

[4] Kramer, *praef.*, p. x ff.; Christ, Griech. Litt., 4te Aufl., p. 714.

[5] Paris, 1393, Venet. 377. [6] Medic. 28. 5.

[7] Hist. Rom. Rel., vol. 1, p. cxxi.

[8] Γάϊος δὲ Ἀκίλιος ἱστορεῖ πρὸ τῆς κτίσεως τὰ θρέμματα τῶν περὶ τὸν Ῥωμύλον ἀφανῆ γενέσθαι· τοὺς δὲ [τοὺς Λουπέρκους] τῷ φαίνῳ προσευξαμένους ἐκδραμεῖν γυμνοὺς ἐπὶ τὴν ζήτησιν, ὅπως ὑπὸ τοῦ ἱδρῶτος μὴ ἐνοχλοῖντο· καὶ διὰ τοῦτο γυμνοὺς περιτρέχειν τοὺς Λουπέρκους.

for this portion of his geography.[1] As a myth it belongs to the older annalists and bears every mark of a lineal antecedent of the accounts of Livy 1. 7 and Dionysius 1. 39.

Another statement of the myth which professes to go back to the annalists is that of Solinus 1. 7.[2] According to it Cacus, who had come with Megales a Phrygian[3] on an embassy from the east, had been held in bondage, had escaped and, returning with reinforcements, had seized Volturnum, was overcome by Hercules:

Quippe aram Hercules, quam voverat, si amissas boves repperisset, punito Caco patri Inventori dicavit. qui Cacus habitavit locum, cui Salinae nomen est: ubi Trigemina nunc porta. hic, ut Gellius tradidit, cum a Tarchone Tyrrheno, ad quem legatus venerat missu Marsyae regis, socio Megale Phryge, custodiae foret datus, frustratus vincula et unde venerat redux, praesidiis amplioribus occupato circa Vulturnum et Campaniam regno, dum adtrectare etiam ea audet, quae concesserant in Arcadum iura, duce Hercule qui tunc forte aderat oppressus est. Megalen Sabini receperunt, disciplinam augurandi ab eo docti. suo quoque numini idem Hercules instituit aram, quae maximam apud pontifices habetur, cum se ex Nicostrate, Euandri matre, quae a vaticinio Carmentis dicta est, immortalem conperisset. consaeptum etiam, intra quod ritus sacrorum, factis bovicidiis, docuit Potitios, sacellum Herculi in Boario foro est, in quo argumenta et convivii et maiestatis ipsius remanent.

This is held by Peter[4] to be a true fragment of Gellius, the annalist. There is, however, room for reasonable

[1] Zimmermann, Posidonius und Strabo, Hermes, vol. 23 (1888), pp. 103-130; Christ, Griech. Litt., 4te Aufl., p. 712.

[2] Mommsen, 2te Aufl., p. 4.

[3] Cf. Pseudo-Serv., in Aen., 3. 359; Petersen, Jahrb. d. k. d. Arch., Inst., vol. 14 (1899), pp. 43, n. 45. The passage is grossly misinterpreted by Peter, Roscher's Lexikon, vol. 1. 2, p. 2276, as Wissowa rightly points out; cf. Pauly-Wissowa, Real-Encycl., vol. 3, p. 1166.

[4] Hist. Rom. Rel., vol. 1, p. ccxxxxii, fr. 7, p. 166.

doubt. Notwithstanding the citation of Gellius's name one may question whether he can be held responsible for all of the version given. Solinus, we may be sure, never consulted Gellius for the myth any more than he used at first hand Heraclides, Agathocles, Silenus, and the rest of the twenty-two Greek and Latin writers mentioned,[1] although his salutation makes earnest pretense of so doing (3). His work is confessedly a compilation. From whom it is compiled it is, however, impossible to say with certitude. His indebtedness to Pliny and to Mela has been pointed out by Mommsen,[2] and in addition to these two Mommsen is inclined to look to a Cornelius Bocchus, who lived in Claudius's time, as a direct source. The passage in question (1. 7) is certainly due to neither Pliny nor Mela: Mommsen's Bocchus remains then as the historical *x*.[3] But the full citation of authors warrants the assumption that Bocchus's (?) work must in turn have been a compilation, either mediate or immediate, of a work which contained in some form the information presented by Solinus. What that work was is the problem.

A review of the authors cited in order will present the following names: Heraclides (1. 2), Agathocles (1. 3), Gellius (1. 8), and Varro (1. 17), who gives more particular data for the founding of Rome.[4] Now notwithstanding the fact that Varro[5] is not mentioned as an authority till after the passage in question, it may be pos-

[1] Mommsen, *praef.*, p. xiii; Teuffel-Schwabe-Warr, History of Roman Literature, vol. 2, p. 292; Schanz, Röm. Litt., vol. 3, 2te Aufl., p. 236.

[2] See 2te Aufl., *praef.*, p. xiv.

[3] Cf. the view of Schanz, Röm. Litt., vol. 3, 2te Aufl., p. 236.

[4] Cf. Sanders, The Chronology of Early Rome, Class. Phil., vol. 3 (1908), p. 316 ff.

[5] Referred to as *auctor diligentissimus*.

sible to show that his influence begins with the very opening statement of the book itself. That is, Varro, instead of being a secondary source, is the prime source, and the other authorities cited as prime sources are in reality sources mentioned by the prime source which have been taken over bodily.

A comparison with Festus will show not only a citation of the same author but a presentation of the same fact from each.

FESTUS	SOLINUS
Historiae Cumanae compositor, Athenis quosdam profectos Sicyonem Thespiadasque, ex quibus porro civitatibus, ob inopiam domiciliorum, compluris profectos in exteras regiones, delatos in Italiam, eosque multo errore nominatos Aborigines. quorum subiecti qui fuerint Caeximparum viri, unicarumque virium imperio montem Palatium, in quo frequentissimi consederint, appellavisse a viribus regentis Valentiam; quod nomen adventu Euandri Aeneaeque in Italiam cum magna Graece loquentium copia interpretatum, dici coeptum Rhomem.	Sunt qui videri velint Romae vocabulum ab Euandro primum datum, cum oppidum ibi offendisset, quod extructum antea Valentiam dixerat iuventus Latina, servataque significatione inpositi prius nominis, Romam Graece Valentiam nominatam (cf. Pseudo-Servius, *in Aen.*, 1. 273).
Agathocles, Cyzicenarum rerum conscribtor, ait, vaticinio Heleni impulsum Aeneam, Italiam petivisse portantem suam secum neptem Ascani filiam nomine Rhomam, eamque, ut Italia sint	Agathocles scribit Romen non captivam fuisse, ut supra dictum est, sed Ascanio natam Aeneae neptem appellationis istius causam fuisse.

Festus	Solinus
Phryges potiti et his regionibus maxime, quae nunc sunt vicinae urbi, prima omnium consecrasse in Palatio Fidei templum	
Lembos, qui appellatur Heraclides, existimat, revertentibus ab Ilio Achivis, quendam tempestate deiectos in Italiae regiones secutos Tiberis decursum pervenisse, ubi nunc sit Roma, ibique propter taedium navigationis impulsas captivas auctoritate virginis cuiusdam tempestivae nomine Rhomes, incendisse classem, atque ab ea necessitate ibi manendi urbem conditam ab is, et potissimum eius nomine eam appellatam, a cuius consilio eas sedes sibi firmavissent.	Heraclidi placet Troia capta quosdam ex Achivis in ea loca ubi nunc Roma est devenisse per Tiberim, deinde suadente Rome nobilissima captivarum quae his comes erat, incensis navibus posuisse sedes, struxisse moenia et oppidum ab ea Romen vocavisse (cf. Pseudo-Servius, *in Aen.*, 1. 273).
Festus M. 266 = P. 362.	Solinus 1. 1-3.

That the knowledge of Festus is derived in large part from Varro through Verrius Flaccus is well known.[1] But that Varro is the source here is proved by the fact that after the citation of various Greek authors, the opinion of Varro is given, and after Varro comes a slight correction from Verrius Flaccus. That is, the order of citation in Festus shows that Festus took the content of Verrius Flaccus, as Verrius Flaccus had used Varro, adding the variant from Flaccus. Solinus presents precisely the same material though in a much condensed form, as he admits in his salutation: *liber est ad compendium praeparatus,*

[1] Cf. p. 203; Agahd, Jahrb. f. cl. Phil., Suppl., vol. 24 (1898), p. 134; Wessner, Berl. Phil. Wochenschr., 1904, pp. 681-685.

quantumque ratio passa est ita moderate repressus, ut nec prodiga sit in eo copia nec damnosa concinnitas (2). Solinus, therefore, or rather his antecedent, either used Varro, as 1. 17 indicates, or he borrowed from Verrius Flaccus. The former is doubtless the case inasmuch as Varro in his work *de Gente Populi Romani*[1] had treated fully this entire subject, whereas Flaccus could have treated it only incidentally in the *de Verborum Significatione*. The influence of Varro upon Solinus, a factor unrecognized by Mommsen, has been proved by Sanders[2] to be very strong.

Now it is improbable that the original content of the notice of the annalist Gellius, who was doubtless consulted by Varro, could have passed through so many hands and still remain intact, as Peter's use of the extract from Solinus would suggest.[3] But even if the very thought to which Gellius's name is attached was indeed derived from him by Varro or some other, there is still no warrant for considering this a primitive or the primitive form of the myth at Rome. The treatment which one would be led to expect from Gellius, and the only portion of value, lies in the last part of Solinus's passage, not the variant to which his name is attached. This variant is certainly a wilful distortion of a kind with Flaccus's Garanus, precisely whose distortion it is impossible to say. The attempt at historical rationalization at once stamps it as a later working over of the myth. The connection of Cacus with the east through Tarchon could only have come through

[1] Cf. Arnobius, adv. Nat., 5, 8; Schanz, Röm. Litt., vol. 1, 2te Aufl., p. 371 f.

[2] The Annals of Varro, A. J. P., vol. 23 (1902), pp. 42-44.

[3] Hist. Rom. Rel., vol. 1, p. ccxxxxii fr. 7, p. 166; Wissowa, Pauly-Wissowa, Real-Encycl., vol. 3, p. 1166, also places too great credence in the authority and authenticity of the passage.

confusion or wilful distortion of the provenance of the two chief characters of the myth. A possible explanation is that Tyrrhenus was known or supposed to have come from Lydia to Italy[1] and was sometimes reputed to be the son of Herakles and the Lydian Omphale.[2] The coming from the east of Herakles and Tyrrhenus may have seemed a sufficient warrant for bringing an embassy of Cacus from the same region, thus giving the myth an eastern setting.

The similarity of the trend of the narrative to the Euhemeristic account of Dionysius cannot pass unnoticed. In explanation two suppositions may be urged: (1) Dionysius may have drawn his account from Gellius, which in the face of the argument for Piso p. 214 is improbable. The similarity between the two passages concerns form and method of treatment rather than content. (2) Dionysius and Gellius, who is not an earlier annalist,[3] both drew from Piso. The second supposition is probably the correct one. Gellius's narrative, as given by Solinus, is clearly of a class with Dionysius 1. 41-43. Whatever may be the precise relationship between Piso, Gellius, and Dionysius, the portion of the account immediately attributed to Gellius by Solinus, is, like the account of Piso as given by Dionysius, of secondary interest as a factor in the development of the myth.

The author whom we next meet has left us in no doubt as to the content and source of his myth. Of all ancient writers no one has devoted more space to Hercules than Diodorus Siculus.[4] This account, prefaced by words echoed centuries later by Wissowa[5] and concluded in a vein like that of Wilamowitz-Moellendorff,[6] devotes but scant attention, however, to the myth of Hercules at Rome as com-

[1] Herod. 1. 94. [2] Dionys. 1. 28; Paus. 2. 21, 3.
[3] Peter, Hist. Rom. Rel., vol. 1, pp. ccxxxviiii, ccxxxx.
[4] 4. 8-40. [5] Relig. u. Kult., p. 219.
[6] Herakles, 2te Aufl., vol. 1, p. 38.

pared with his other labors. But the account presents such interesting matter that the author's mention of Timaeus[1] as his source is a cause of gratification. That Diodorus's presentation of the Hercules myth upon Italian soil is taken from Timaeus is granted not only by Diodorus himself but by the several writers who have in any way concerned themselves with the study of the sources of Diodorus.[2]

'Hercules, after passing through the land of the Ligurians and the Tyrrhenians, came to the Tiber river and encamped where Rome now stands. Rome, however, was founded many generations later by Romulus, the son of Mars; but at that time some of the natives dwelt on what is now called the Palatine, inhabiting a very small city. Here Cacius and Pinarius, who were among the prominent men, welcomed Hercules with noteworthy tokens of friendship and honored him with pleasing gifts. And the memorials of these men remain in Rome until the present time, for the race of the noble Pinarii, surpassing all in age, still survives among the Romans. There is also the descent of Cacius on the Palatine, which has a stone stairway named Cacia after him and which is near what was then the house of Cacius. Accordingly Hercules, having received the goodwill of the inhabitants of the Palatine, foretold to them that after his departure to the gods whosoever should vow to sacrifice to him a tithe of their substance should lead a happier life—a custom which continued throughout later times until our own day. For many Romans, not only those possessed of moderate wealth, but even some of the exceedingly rich, after making a vow to consecrate a tithe to Hercules, and becoming prosperous thereafter, have consecrated the tithe of possessions amounting to four thousand talents. For Lucullus, who was about the wealthiest of the Romans

[1] 4. 21, 7; 4. 22, 6; 4. 56, 3.

[2] Cf. Sieroka, die Mythographischen Quellen für Diodor's drittes und viertes Buch, Lyck, 1878, p. 24; Holzer, Matris, Ein Beitrag zur Quellenkritik Diodors, Tübingen, 1881, p. 19; Bethe, Quaestiones Diodoreae Mythographae, Göttingen, 1887, p. 34; Schwartz, Pauly-Wissowa, Real-Encycl., vol. 5, p. 676.

in his day, made a reckoning of his property and sacrificed an entire tenth to the god, making continuous and costly feasts. And the Romans have also provided for this god a memorable shrine near the Tiber, in which they are wont to perform the sacrifices of the tithes.' (Diodorus Siculus, 4. 21, 1-4.)

But it is evident that all this cannot have been taken from Timaeus. The mention of Lucullus, for instance, as the wealthiest Roman of his time who sacrificed a tenth of his possessions to the god, is obviously an addition of Diodorus's own. The sentence beginning 'And the memorials of these men remain,' and also the one following it, mentioning the *scalae Caci,* may, possibly, be aetiological additions made by Diodorus to the narrative of Timaeus. Both sentences are digressions whose omission would in no way mar the sequence of thought. But we have no reason to doubt that Timaeus was responsible for the outline of the myth. The coming of Hercules to the Tiber's side, and the institution of a sacrifice wherein the offering of tithes was mandatory, form the core of the myth. The mention of Κάκιος with *Pinarius* as the host of Hercules is a strange variant found only here, but it is a variant which is certainly due to Timaeus himself. Cacus, or Cacius, as he is called, has usurped in some strange way the place of the *Potitii,* who are not mentioned. Bréal, giving the incorrect form Κάκιας, and wrongly ascribing it to Dionysius as well as Diodorus, thinks that Cacus was once *Caecius,* "le démon qui obscurcit le ciel." Caecius he then explains by Καικίας, the storm-wind that brings clouds.[1] Diodorus[2]

[1] Arist. ap. Aul. Gell., 2. 22, 24; Bréal, Hercule et Cacus, p. 101: "Caecius qui attire les nuages est identique au brigand Caecius qui attire les boeufs de Jupiter"; so Steinthal identifies Cacus with the northwest wind, Arch. f. Religionswiss., vol. 1 (1898), p. 183 ff.; cf. Preuner, Hestia-Vesta, p. 392, n. 2; Preller, Röm. Myth., 3te Aufl., vol. 2, p. 287.

[2] Cf. Roscher's Lexikon, vol. 1. 2, p. 2273.

may have been influenced by some existent personal name such as appears in C. I. L. X, 4736; I. R. N. 6769, col. 5, v. 21. But it is easier to believe that Timaeus—not Diodorus, who must have known the form Cacus, and could have written it had he wished to differ from his source—was misled by the ending in the word Πινάριος = Pinarius into writing Κάκιος. Another credible explanation is that Timaeus must have known of the *scalae Caci* simply by the Greek name of Κλῖμαξ Κακία, and by inference or analogy was led to write Κάκιος for the eponymous hero.[1] For the *scalae Caci* were far better known than the god Cacus.[2] They were on the Palatine and led into the *forum boarium,* the recognized scene of the myth. They thus became associated with the myth at an early date, and instead of being called after Cacus, it is probable that the creation of Cacus himself was an aetiological afterthought suggested by the existence of the stairs. This mention of Cacius is furthermore significant from the light it throws upon the place of Cacus in the myth. Cacus is a constant, but constantly changing, feature of the myth. The Romans themselves appear to have known scarcely more about him than is known to-day,[3] and hence a new characterization could easily be effected for him without disturbing popular tradition. In Livy and the first account of Dionysius we found him to be a pastoral robber; in the *Origo,* a slave of Evander with thievish propensities; in the second account of Dionysius, a ruler over a wild race of men; in Strabo, wholly absent; and in Solinus, an embassador, in bondage, from the east. In the accounts of the poets, to be considered later,[4] he is regularly a fire-breathing monster inhabiting a subterranean cavern. All this points to the fact that Cacus is everywhere, with the significant

[1] Cf. Wissowa, Pauly-Wissowa, Real-Encycl., vol. 3, p. 1166.
[2] Cf. p. 233. [3] Cf. p. 233 ff. [4] Cf. p. 227 ff.

exception of Strabo's account, a constant character, but not an essential one, in the myth. The myth, therefore, in reality represents an accretion made to the Hercules myth after that myth had become known to the Romans.[1]

The absence of the *Potitii* from both the accounts of Strabo, i. e. Acilius, and of Diodorus, i. e. Timaeus, is likewise significant. For the *Potitii,* like Cacus, are an aetiological accretion. The *Pinarii,* who represent the officiating but hungry priesthood, are everywhere a fixed feature. Their hunger is a mythological invention from their name.[2] In opposition to them, the rationalizing tendency of mythology was bound to create a superior, satisfied priesthood in the *Potitii,* who had control, as the name signifies, of the ritual. The fact that their name never occurs on inscriptions or in literature,[3] and the fact that several of the accounts represent them as dying within a year or within thirty days, are further evidence that their association with the myth and ritual was due to a rationalizing afterthought.

Diodorus's account presents a further noteworthy feature, namely the injunction concerning the offering of tithes to Hercules. This part of the narrative certainly goes back to Timaeus himself. This is shown by the words which immediately follow: ὃ καὶ (i. e. the custom of offering tithes) συνέβη κατὰ τοὺς ὕστερον χρόνους διαμεῖναι μέχρι τῶν καθ' ἡμᾶς χρόνων. For if there had been no mention of this practice in Timaeus there would obviously be no point to the added thought beginning with ὃ καί. The tithe offering is therefore a leading feature of the myth as early as the time of Timaeus.

In spite of its variants and manifest accretions, it is evident that this version of the myth, when reduced to

[1] Cf. p. 268 ff. [2] Cf. p. 208. [3] Cf. p. 198 n. 1.

its outlines, belongs to the general type exemplified by Livy 1. 7 and Strabo 5. 3,3. In all there is the same story of the coming to the Tiber, the welcome, the prediction, and the institution of the sacrifice. Traces of the pragmatic treatment which characterizes the myth in Dionysius 1. 41-43, however, also appear. Thus Diodorus's use of the verb κατεστρατοπέδευσεν in reference to Hercules at once suggests an army and historical rationalization. The account of Diodorus stands as a peculiar factor in the development of the myth complex.

We pass now to a class of myths permeated by a wholly different spirit, the myths of the Roman poets. As in the Greek,[1] so in the Roman myth there are two methods of treatment, the realistic and the romantic, sharply defined and mutually disparate. In the writers previously considered the myth is realistic, but in the poets and those influenced by the poets it becomes frankly romantic. It is furthermore important to remember that the aim of a romantic and poetical treatment is artistic effect, not historical or even mythic accuracy. Any analysis of the different versions, therefore, must take into consideration the fact that a freer handling of the material is to be expected. It thus becomes immaterial so far as the study of the myth is concerned whether, for example, all[2] or eight[3] or two[4] of the cattle are stolen by Cacus. The variation in number is a matter of no moment; the presence of some number is significant. The minor divergences in the different accounts only bring into more marked prominence their traces of kinship. That kinship is made most manifest by the treatment of Cacus. Hercules throughout is the weary hero who loses his cattle by the theft of Cacus.

[1] Gruppe, Griech. Myth. u. Relig., vol. 1, p. 462.
[2] Propertius, 4. 9, 10 ff.
[3] Virgil, Aeneid, 8. 207 f.
[4] Ovid, Fasti, 1. 548.

A combat ensues in which Cacus, a monster, breathes forth fire and smoke against the avenging god, who pushes on through darkness and fire and fells the robber with his mighty club. This is a feature that was wholly unrecognized in the myths previously considered. From this time on it becomes one of the marked characteristics. So in Virgil,[1] for instance, the dread monster Cacus, the son of Vulcan, dwells in a cave shut off from the sun's rays, the ground whereof is always dank with fresh slaughter, while the faces of men fastened on the doors are whitening and wasting away. In his gait he lunges forward breathing forth flames, and in the combat fire and smoke are his weapons of defense. The points of similarity to the myth of Livy 1. 7 and the marked deviations will be apparent from an examination of Virgil's narrative, Aeneid 8. 184-272.

Clearly the account is not of the same source as Livy's. Yet there are certain traces of resemblance, as indicated in the table, p. 242 ff. But a careful examination of the points of resemblance will show that Virgil, although his antiquarian research[2] must have made him familiar with the forms of the myth as told by the later annalists, can have employed them in only the slightest degree. Precisely that element which distinguishes his version, namely the conception of Cacus as a subterranean fire deity, is wholly wanting in the annalists. This element, therefore, is either a masterpiece of Virgil's own fashioning or a borrowing in whole or part from some source other than the annalists, to whom, as to Livy, such features seemed *poeticis magis decora fabulis quam incorruptis rerum gestarum monumentis.*[3]

[1] Aeneid, 8. 193 ff.

[2] Pseudo-Servius, in Aen., 3. 286; Teuffel-Schwabe-Warr, Rom. Lit., vol. 1, p. 434; Schanz, Röm. Litt., vol. 2. 1, 2te Aufl., pp. 49, 56 ff.

[3] Livy, *praef.*, 6.

Virgil's method of handling other episodes of great poetical beauty[1] and the general character of ancient literary workmanship among poets as well as historians lead us to investigate the second of the two alternatives. Are there traces of Virgil's treatment of the Hercules-Cacus episode in earlier writers? The sources of a poetical account like Virgil's are much more difficult to determine than those of an historical narrative. For the poet will work and mould anew with an eye to artistic effect whatever material may come to his hand. A chance remark of Macrobius 5. 14, 16, furnishes a clew to part of the problem. In speaking of Virgil's indebtedness to Homer, Macrobius says: *et de furto vel poena Caci tota narratio.* This notice, short and unsatisfactory as it is, still possesses significance from the fact that Macrobius, having before him the whole body of ancient literature as we have not, was in a position to know that in Latin at least there could have been no previous, similar, literary version of any pretension. Macrobius is right in so far that the fact and manner of the theft of the cattle by Cacus coincide with the cattle-stealing of Hermes in the old[2] Homeric hymn. The parallel follows:

VIRGIL	HYMN TO HERMES
At furis Caci mens effera, nequid inausum/aut intractatum scelerisve dolive fuisset,/ quattuor a stabulis praestanti corpore tauros/avertit, totidem forma superante iuvencas;/atque hos, nequa forent pedibus vestigia rectis,/cauda	Ἔνθα θεῶν μακάρων βόες ἀμβροτοι αὖλιν ἔχεσκον, βοσκόμεναι λειμῶνας ἀκηρασίους ἐρατεινούς. τῶν τότε Μαιάδος υἱός, ἐύσκοπος Ἀργειφόντης, πεντήκοντ' ἀγέλης ἀπετάμνετο βοῦς ἐριμύκους.

[1] Schanz, Röm. Litt., vol. 2. 1, 2te Aufl., p. 57.

[2] Christ, Griech. Litt., 5te Aufl., vol. 1, p. 98; Sikes and Allen, The Homeric Hymns, p. 133 f.

VIRGIL	HYMN TO HERMES
in speluncam tractos versisque viarum/indiciis raptor saxo occultabat opaco:/quaerenti nulla ad speluncam signa ferebant.	πλανοδίας δ' ἠλαυνε διὰ ψαμαθώδεα χῶρον,
Aeneid, 8. 205-212.	ἴχνι' ἀποστρέψας· δολίης δ' οὐ λήθετο τέχνης,
	ἀντία ποιήσας ὁπλάς, τὰς πρόσθεν ὀπισθεν,
	τὰς δ' ὀπιθεν πρόσθεν, κατὰ δ' ἐμπαλιν αὐτὸς ἔβαινε
	Il. 71-78 [1]

Everyone will recall in this connection the version of Horace,[2] taken, says Porphyrio,[3] from Alcaeus.[4] Cattle-stealing myths, in fact, are not infrequent in early mythology.[5] There can be no doubt that Virgil had the Homeric hymn in mind. Again, the spirit of the combat between Hercules and Cacus is not unlike that of what Leaf calls the "Aeneid"[6] of the Iliad, 20. 50-73; cf. also 161-175. And the realm of Aidoneus is grim and vast and loathly to the gods,

> οἰκία δὲ θνητοῖσι καὶ ἀθανάτοισι φανείη
> σμερδαλέ' εὐρώεντα, τά τε στυγέουσι θεοί περ.[7]

[1] The theft of the cows of Apollo is known to have been related by Hesiod in the Μεγάλαι Ἠοῖαι (cf. Antonius Liberalis, 23), but no fragment is preserved.

[2] Odes, 1. 10, 9-12.

[3] Ad loc.

[4] Alcaeus, fr. 5; cf. Paus. 7. 20, 4; Kiessling, Horatius, 3te Aufl., vol. 1, p. 64.

[5] Cf. Odyss. 19. 396; Pherecydes, F. H. G., vol. 1, fr. 63; Antonius Liberalis, 23; Apollod. 3. 10, 2; Hygin. Fab., 201; Kuhn, Ueber d. Entwicklungsstufen der Mythenbildung, Abhandl. d. Berl. Akad., 1873, p. 123 ff.; Preuner, Jahresb. ü. d. Fortschr. d. cl. Alter., vol. 7 (1876), p. 9 ff.; Bréal, Hercule et Cacus, p. 100 ff.; Peter, Roscher's Lexikon, vol. 1. 2, p. 2279; Sikes and Allen, The Homeric Hymns, p. 130 ff.

[6] Leaf, Iliad, vol. 2, p. 348.

[7] Iliad, 20. 64, 65.

like Cacus's cave. And the rock that figures in Virgil[1] is the identical rock of Homer.[2]

But there are also evident in Virgil's myth elements to which the Homeric poems afford only slight parallels. The conception of Cacus as a fire deity is of course unknown to them. But Virgil is still indebted, nevertheless, to Greek mythology and to Greek literature for all his poetic pyrotechnics. His version, however, I believe, is not a parallel to or imitation of the Geryon myth, as Wilamowitz-Moellendorff[3] and Wissowa[4] think, but much more a remodelling of the Typhoeus myth in Hesiod's Theogony.[5] Typhoeus, too, is a subterranean evil-doer whose weapons

[1] Aeneid, 8. 241 ff. [2] Iliad, 20. 285, 286.

[3] Herakles, 2te Aufl., vol. 1, p. 45.

[4] Relig. u. Kult., p. 230; Real-Encycl., vol. 3, p. 1167; cf. also Pais, Ancient Legends of Roman History, London, 1906, p. 213.

[5] Hes. Theog., 820 ff.; Hymn to Apollo; Pindar, Pyth., 1. 21ff.; Aesch. Prom., 351 ff.; Sept., 493. Aeschylus probably followed Pindar. Both were in Sicily together in 476 B. C. (Christ, Griech. Litt., 5te Aufl., vol. 1, p. 220 and n. 6), and both described the eruption of Aetna. Both are in turn indebted to some extent to Hesiod; cf. Gruppe, Bericht über Myth. u. Religionsgesch., in Jahresb. ü. d. Fortschr. d. kl. Alter., Sup. vol. 137 (1908), p. 141. In Pindar Typhoeus is *ἑκατοντακάρανος* (cf. O. 4. 6, P. 8. 16), as also in Aesch. Prom., 355. Hesiod speaks only of *ἑκατὸν κεφαλαὶ ὄφιος*. Both P. and A. speak of the Cilician cave, the former home of Typhoeus, whereof Hesiod has no trace. So, too, Milton, Par. L., 1. 198 ff. "Typhon, whom the den / By ancient Tarsus held," and M. Arnold, Emped. on Aetna, act 2, the song of Callicles, a paraphrase in part of Pindar: "Doth thy fierce soul still deplore / Thine ancient rout by the Cilician hills?" In both P. and A. there is the vivid picture of the eruption of Hephaestus, Prom. 369 ff. (cf. Hor. O. 1. 4, 8), and the fire-streams, *ποταμοὶ πυρὸς ἀπλάτου*, Pindar, P. 1. 21 f., A. Prom. 370, 373. There can be no doubt of the superiority of P.'s description. Cf. Christ, Der Aetna in der Griech. Poesie, Sitzungsb. d. bayr. Akad., 1888, p. 359 ff.

are fire and smoke, the deity of a volcanic region.[1] Typhoeus, like Cacus, is swift of foot: *πόδες ἀκάματοι κρατεροῦ θεοῦ, fugit ilicet ocior euro .... pedibus timor addidit alas.* The dread aspect of Typhoeus, *ἐκ δέ οἱ ὤμων/ἦν ἑκατὸν κεφαλαὶ ὄφιος, δεινοῖο δράκοντος,* reappears in the grim features of Cacus, *semihominis Caci facies .... dira .... terribilis oculos:* both defy description, *ἀθέσφατον, mirabile dictu .... δεινοῖο πελώρου informe cadaver.* Typhoeus's weapons of defense, like those of Cacus, consist of fire and smoke: *ἐκ δέ οἱ ὄσσων/θεσπεσίῃς κεφαλῇσιν ὑπ' ὀφρύσι πῦρ ἀμάρυσσεν:/πασέων δ' ἐκ κεφαλέων πῦρ καίετο δερκομένοιο, Cacus illius atros/ore vomens ignis .... faucibus ingentem fumum/evomit involvitque domum caligine caeca .... incendia vana vomentem .... extinctos faucibus ignis.* In Hesiod Typhoeus has the voice of the bellowing bull, *ταύρου ἐριβρυχέω,* while in Virgil Cacus is evidently speechless but is betrayed by the bellowing of the cattle in his cave, *mugire .... mugiit.* Both have an unbridled spirit, *μένος ἀσχέτου, mens effera.* Zeus hurls his thunder, *ἀμφὶ δὲ γαῖα/σμερδαλέον κονάβησε καὶ οὐρανὸς εὐρὺς ὕπερθε/πόντος τ' Ὠκεανοῦ τε ῥοαὶ καὶ τάρταρα γαίης κ. τ. λ.*[2] So, too, Hercules hurls his tree, *impulsu quo maximus intonat aether/dissultant ripae refluitque exterritus amnis.* As Cacus's cave is filled with fire and smoke, *fumum .... evomit involvitque domum caligine caeca,/prospectum eripiens oculis, glomeratque sub antro/fumiferam noctem commixtis igne tenebris,* so in Hesiod, *καῦμα δ' ὑπ' ἀμφοτέρων κάτεχεν ἰοειδέα πόντον/βροντῆς τε στεροπῆς τε, πυρός τ' ἀπὸ τοῖο πελώρου,/πρηστήρων ἀνέμων τε κεραυνοῦ τε φλεγέθοντος./ἔξεε δὲ χθὼν πᾶσα καὶ οὐρανὸς ἠδὲ θάλασσα.*[3] Again, *τρέε δ' Ἀΐδης, ἐνέροισι καταφθιμένοισι ἀνάσσων,/Τιτῆνές θ' ὑποταρτάριοι, Κρόνον ἀμφὶς ἑόντες,/ἀσβέστου*

[1] Preller-Robert, Griech. Myth., 4te Aufl., pp. 63-66.
[2] Cf. Milton's paraphrase, Par. L., 1. 540.
[3] Cf. Virgil, Aen., 8. 303, 304.

κελάδοιο καὶ αἰνῆς δηϊοτῆτος, with its reminiscence of Iliad 14. 274-279; 20. 50-73, is the prototype of *specus et Caci detecta apparuit ingens/regia. et umbrosae penitus patuere cavernae:/non secus ac si qua penitus vi terra dehiscens/ infernas reseret sedes et regna recludat/pallida, dis invisa, superque immane barathrum/cernatur, trepident immisso lumine manes.* As Zeus seizes his weapons in haste εἵλετο δ' ὅπλα, so Hercules *rapit arma.* Zeus, successful, at last sears Typhoeus with his levin, ἀμφὶ δὲ πάσας/ἔπρεσε θεσπεσίας κεφαλὰς δεινοῖο πελώρου, while Cacus, using the same means, fails. That Typhoeus was in the poet's mind is proved by his reference to the Greek god only a little later:

> . . . . te ianitor Orci
> ossa super recubans antro semessa cruento;
> nec te ullae facies, non terruit ipse Typhoeus,
> arduus arma tenens. (Aen., 8. 296-299.)

But more convincing than even the detailed verbal resemblances is the general setting of the two situations. There can be no doubt, it seems to me, that the splendid situation in Virgil owes its conception to a careful study of Hesiod's Typhoeus. It is probable also that Virgil was influenced by the Μεγάλαι Ἠοῖαι of Hesiod.[1] Virgil has made a poetic and important figure of Cacus, the comparatively unknown Roman god.[2] For the ancients themselves knew scarcely more of Cacus than is known to-day. They had an *atrium Caci,* and the *scalae Caci,*[3] to be sure,

[1] Cf. Antonius Liberalis, 23.

[2] Wissowa, Relig. u. Kult., pp. 24, n. 1, 144; Real-Encycl., vol. 3, p. 1165 ff.

[3] Diodor. 4. 21; Solin. 1. 18; cf. Schwegler, Röm. Geschichte, vol. 1, p. 373, n. 16; Jordan, Topogr., vol. 2, p. 553; Richter, Topogr., p. 34 ff.; Roscher's Lexikon, vol. 1. 2, p. 2273 f.; Pauly-Wissowa, Real-Encycl., vol. 3, p. 1165 f.; the flight of steps on the Aventine mentioned only once, Not. Reg., 13, *scalae Cassi* is perhaps a corruption for *scalae Caci* on the Palatine (cf. Platner, Topogr. and Mon., p. 392).

but the eponymous god had long since passed from remembrance. He had a sister *Caca* concerning whom there are only two late notices: Lactantius, Inst., 1. 20, 36,[1] and Servius *in Aen.*, 8. 190 = Myth. Vat., 2. 153; 3. 13, in the light of which Preuner's supposition[2] that Caca was identical with, and later displaced by, Vesta as an ancient goddess of the hearth cannot be proved.[3] There probably was an old Italic deity concealed under the name of Cacus who may have been a subterranean fire god, but his primitive character cannot be determined in the light of present knowledge. The fact that he is called the son of Vulcan[4] is obviously of no value in determining his original character before Virgil gave it permanent form by his treatment. No references to his worship exist, and in general it does not appear that he ever was the object of any. Nature worship, as Wissowa clearly points out, is not a characteristic of Roman religion.[5]

The identification of Cacus with κακός[6] can have arisen only after the original significance of both *nomen* and *numen* had been lost. For the *a* in Cacus is long and does not correspond, therefore, to the Greek κακός. The ethical philology whereby Cacus becomes the "Badman" as op-

[1] Some MSS. read *Caeca;* cf. Wissowa, Relig. p. Kult., p. 24, n. 1; p. 144; Usener, Götternamen, p. 33.

[2] Hestia-Vesta, p. 386 f.; Röm. Mitt., vol. 10 (1895), pp. 163, 164; Platner, Topogr. and Mon., p. 131.

[3] Cf. Aust., Pauly-Wissowa, Real-Encycl., vol. 3, p. 1164.

[4] Virg. Aen., 8. 198; Ovid, F. 1. 554; Serv., in Aen., 8. 190; Aug. C. D. 19. 12; Plut. Amat., 18. F; Georg. Syncell. p. 323 (171 C) = Euseb. Chron., vol. 1, p. 283, ed. Schoene.

[5] Relig. u. Kult., p. 20.

[6] Aug. C. D. 19. 12; Serv., in Aen., 8. 190 = Myth. Vat., 1. 66; 2. 153; 3. 13, 1; Albericus, 22; Fulgentius, 2. 6; Eustath., Hom., p. 157, 1; 906, 45; 1817, 1; cf. Meyer, Griech. Etym., vol. 2, p. 231.

posed to Evander, the "Goodman,"[1] is evidence of late rationalism in the myths. He became "bad" only when the Romans learned Greek. Greek wrought upon him a moral change. As a fire deity and physiographical god, if he was such, he is the natural working out of the personifying apperception of primitive minds amid the phenomena of a volcanic region.[2] He is probably identical with the *Caeculus,* the diminutive of Caecus, that appears in the myth of the founding of Praeneste:

Cato in Originibus ait Caeculum virgines aquam petentes in foco invenisse ideoque Vulcani filium eum existimasse et, quod oculos exiguos haberet, Caeculum appellatum. Hic collecticiis pastoribus urbem Praeneste fundavit. Hunc Varro ab Depidiis pastoribus educatum ipsique Depidio nomen fuisse et datum cognomentum Caeculo tradit libro, qui inscribitur Marius aut de fortuna. (Schol. Veron. *in* Virg. Aen., 7. 681 (Hagen, vol. 3. 2).[3])

Caecus is as natural an attribute for Cacus as τυφλός is for Typhoeus. It may be connected with καίω, *caleo,*[4] and

[1] Serv., in Aen., 8. 190.

[2] Cf. Gruppe on Typhoeus, Griech. Myth. u. Relig., vol. 1, p. 409. Frazer, Adonis, Attis, Osiris, pref. p. V, emphasizes the relation between the religion of a people and the natural features of its country; cf. Ampère, L'Histoire romaine à Rome, deux. éd., Paris, 1863, vol. 1, pp. 171 and note, 172; Burn, Rome and the Campagna, London, 1876, p. 21 f.; Nissen, Italische Landeskunde, erster Band, Berlin, 1883, kap. 6; Richter, Topogr. d. Stadt Rom., 2te Aufl., p. 25; Platner, Topogr. and Mon., p. 12.

[3] Cf. Serv., in Aen., 7. 678; Solin. 2. 9; Festus (Ponor), p. 31; Tertull. ad Nat., 2. 15; Agahd, Ter. Varronis Ant., Jahrb. f. cl. Phil., Sup., vol. 24 (1898), p. 177; cf. Varro, L. L. 9. 58; *at si fenestram non habet, dicitur Caecum, ut Caecus et Caeca, quod omnia (habent) lumen habere debent.*

[4] Cf. Curtius, Griech. Etym., 5te Aufl., p. 145; Meyer, Griech. Gram., 3te Aufl., pp. 82, 173; Preller, Röm. Myth., 3te Aufl.,

if so there is some warrant for accepting him as a fire god. His constant association with cattle and shepherds in the various forms of the myth might otherwise lead one to venture the bold hypothesis that Cacus may have been a pastoral god.

It is evident, therefore, that the Virgilian version of the myth cannot antedate Virgil himself. It cannot be regarded, as is so often done, as the primitive form of the Hercules myth at Rome. Neither is it of any value in proving the contention brilliantly but inconclusively advanced by K. O. Müller,[1] and often revived, that the myth proves Hercules to be the god of light as opposed to Cacus the god of darkness. Virgil's myth is a poetic rendering of no primitive conflict between light and darkness but of the origin of the rites of the *ara maxima.* In his hands the myth has become frankly romantic.

Virgil's account, however, does not stand alone. This distinctive conception reappears in later versions of the myth. A professed following of Virgil is found in Augustine, *de Civitate Dei,* 19. 12. Augustine adds the inevitable moralization of a church father but his choice of words as well as his quotation of a Virgilian line stamp his direct use of Virgil as indisputable. The resemblances and references are indicated by italics:

Sed faciamus aliquem, qualem *canit poetica* et *fabulosa narratio*, quem fortasse propter ipsam insociabilem *feritatem semihominem* quam hominem dicere maluerunt. Quamvis ergo huius *regnum dirae speluncae* fuerit solitudo tamque malitia singularis, ut ex hac ei nomen inventum sit (Graece namque malus κακός dicitur, quod ille vocabatur), nulla coniux ei blan-

vol. 2, p. 287; Peter, Roscher's Lexikon, vol. 1. 2, p. 2273; Grassmann, Zeitschr. f. vgl. Sprachf., vol. 16 (1867), p. 176 f.; Bréal, ibid. vol. 10 (1861), p. 319 f.; Meyer, Griech. Etym., vol. 2, p. 297.

[1] Die Dorier, vol. 2, pp. 463-482.

dum ferret referretque sermonem, nullis filiis vel adluderet parvulis vel grandiusculis imperaret, nullo amici conloquio frueretur, nec *Vulcani patris*, quo vel hinc tantum non parum felicior fuit, quia *tale monstrum* ipse non genuit; nihil cuiquam daret, sed a quo posset quidquid vellet et quando posset et cum vellet auferret: tamen in *ipsa sua spelunca* solitaria, cuius, ut describitur, '*semper recenti caede tepebat humus*,' nihil aliud quam pacem volebat, in qua nemo illi molestus esset, nec eius quietem vis ullius terrorve turbaret . . . . Aut si eius *corporis forma et atrorum ignium vomitus* ab eo deterrebat hominum societatem, forte non nocendi cupiditate, sed vivendi necessitate saeviebat. Verum iste non fuerit vel, quod magis credendum est, non talis fuerit, qualis *poetica vanitate describitur;* nisi enim nimis accusaretur *Cacus*, parum *Hercules* laudaretur. Talis ergo homo sive *semihomo* melius, ut dixi, creditur non fuisse, sicut *multa figmenta poetarum.*

Fulgentius follows Augustine:

Cacus enim Herculis boves furatus esse dicitur, quos cauda in spelunca tractos abscondit, quem Hercules presso gutture interfecit. *κακόν* enim Graece, malum dicimus. (Fulg. Myth., 2, de Caco.)

Albericus presents in more verbose form the same matter as the foregoing, colored by a distinct reminiscence of Livy:

Erat in Italia quidam latro, nomine Cacus, qui dum Hercules ad Italiam devenisset et ab Euandro rege officiose receptus esset, bobus advectis ex Hispania, Geryone perempto, dum Hercules boves in pascuis custodiret, et somno oppressus dormiret, Cacus eo dormiente securus exiens de spelunca, in qua latebat, plures ex bobus rapuit: quos per caudam aversos capite traxit, ne ex rectis eorum vestigiis humo pressis, quo ducti essent, deprehendi posset; quin potius illos abisse videretur. Verum excitatus Hercules, et furto comperto, vestigia versa decernens, eaque insecutus ad antrum pervenit, et Cacum suis cum bobus latitantem reperit: quem fumum et nebulam eructantem clava peremit, bovesque redemit. Moraliter autem, Cacus malus interpretatur: qui latet in spelunca, quia numquam malitia liberae frontis est. (Albericus, de Deorum Imag., de Herc. 22.)

From these moralistic accounts of the mythographers, let us turn back to the presentation of Propertius. For to the old outlines of the myth has been added a touch of humor that makes the whole seem new. Propertius, 4. 9, has combined the Hercules-Cacus myth with the longer story of the celebration of the rites of Bona Dea. But the lines of cleavage are clearly visible. The close relationship of the earlier portion of his narrative to that of Virgil is indicated by the parallels shown on p. 242 ff.

There can be no doubt that Propertius was familiar with the eighth book of the Aeneid.[1] The influence of Virgil is unmistakable. But equally unmistakable are the reminiscences of Livy. *Incola Cacus* is like Livy's *accola Cacus,* and *aversos cauda traxit in antra boves* resembles not only Virgil but also Livy's *aversos bovis . . . . caudis in speluncam traxit.* But there are also elements peculiar to Propertius. The mention of Cacus is not to be compared with Diodorus, for in Diodorus Cacus takes the place of the *Potitii. Stabulis, O Erythea tuis* is a reference to 3. 22, 9; *pecorosa Palatia* recalls 3. 9, 49; *Velabra quaque nauta per urbanas velificabat aquas* is like Tibullus 2. 5, 33 *at qua Velabri regio patet, ire solebat exiguus pulsa per vada linter aqua,* cf. Aeneid, 8. 360, 361.[2] But it is unnecessary, even if it were possible, to trace in detail the various influences to which Propertius may have been subject: they were doubtless many but they have no bearing upon

[1] Cf. Schanz, Röm. Litt., vol. 2. 1, 2te Aufl., p. 49; Reisch, Properz Studien, Wiener Studien, vol. 9 (1887), p. 141. Rothstein doubts the influence of Virgil, Properz und Virgil, Hermes, vol. 24 (1889), p. 30; but cf. his commentary on the poem, in Die Elegien des Propertius, Berlin, 1898; cf. Propert. 2. 34, 63, 64.

[2] On the relationship of Propertius and Tibullus cf. Marx, de Propertii Vita et Lib. Ordine Temp., Leipzig, 1884, p. 41.

the outlines of the myth, which in its first part is Virgilian and annalistic.

In the second and longer portion of Propertius's myth no use is made of Virgil. This part relates the celebration of the festival of Bona Dea by her votaries. The connection between this portion of the narrative and the Cacus incident is effected by the exceeding thirst Hercules suffers after slaying Cacus. In seeking water he comes unawares upon the rites forbidden to men. In this blending of two diverse myths Propertius stands alone. The contention of Tuerk[1] that this second portion is from Varro is certainly correct. While Tuerk is predisposed to regard Varro as the prime source for all the myths of Propertius[2] there can be no doubt of the relationship here. But the relationship naturally regards content rather than form. For Macrobius,[3] giving Varro's opinion, says:

Haec apud Graecos ἡ θεὸς γυναικεία dicitur, quam Varro Fauni filiam tradit adeo pudicam, ut extra γυναικωνῖτιν numquam sit egressa, nec nomen eius in publico fuerit auditum nec virum umquam viderit vel a viro visa sit, propter quod nec vir templum eius ingreditur. unde et mulieres in Italia sacro Herculis non licet interesse, quod Herculi, cum boves Geryonis per agros Italiae duceret, sitienti respondit mulier aquam se non posse praestare, quod feminarum deae celebraretur dies, nec ex eo apparatu viris gustare fas esset. propter quod Hercules facturus sacrum detestatus est praesentiam feminarum, et Potitio ac Pinario sacrorum custodibus iussit ne mulierem interesse permitterent.

This notice citing Varro, in so marked agreement with Propertius, is from Cornelius Labeo mentioned by Macro-

[1] De Propert. carm. auct., Halle, 1885, pp. 40, 41.

[2] The myth of Vertumnus, e. g. 4. 2 (Tuerk, op. cit., p. 24), is not from Varro L. L. 5. 46; cf. Agahd, Jahrb. f. cl. Phil., Sup., vol. 24 (1898), p. 135; Schenkl, Deutsche Litteraturzeit., vol. 7 (1886), p. 186..

[3] 1. 12, 27, 28.

bius 1. 12, 21, who forms one of Macrobius's chief sources.[1] This direct reference to Varro[2] is proof enough so far as our point is concerned. It is confirmed, however, by other writers[3] who also cite Varro as shown by Litt.[4] Further evidence of the relationship between Varro and Propertius is not necessary. If it were one could compare vss. 73, 74 with Varro L. L. 5. 66 and Festus 229 M.= 284 P.

The view of Tuerk[5] that Propertius imitated Tibullus in the last of the poem, based on a comparison of P. 26 with T. 1. 6, 22; P. 38, T. 1. 6, 31; P. 53, T. 1. 2, 33, is not warranted by the parallels. The similarities are extremely slight, only one being really pertinent, namely

Prop. 38: ille ego sum, Alciden terra recepta vocat.
Tib. 1. 6, 31: ille ego sum, nec me iam dicere vera pudebit.

and *ille ego sum* must have been fairly common Latin. Tuerk furthermore[6] affirms the debt of Propertius to Callimachus from a comparison of vss. 57, 58 with Callimachus's Hymn to Pallas 101, 102. It is barely possible that Propertius had in mind the punishment of "peeping Tom" but the spirit and content of the two poems are

[1] Wissowa, de Macr. font. diss., Breslau, 1880, p. 42; über die röm. Penaten, Hermes, vol. 22 (1887), p. 35; Teuffel-Schwabe-Warr, Rom. Lit., vol. 2, p. 435; Agahd, Jahrb. f. cl. Phil., Sup., vol. 24 (1898), p. 115; Schanz, Röm. Litt., vol. 3, 2te Aufl., p. 191.

[2] Wessner, Berl. Phil. Woch., 1905, p. 574; Kahl, Corn. Labeo, Philologus, Sup., vol. 5 (1889), pp. 728, 763.

[3] Lact. Div. Inst., 1. 22, 10; cf. Plut. Q. R. 20. On the relationship of Plutarch to Varro cf. Christ, Griech. Litt., 4te Aufl., p. 681, n. 3; Agahd, Jahrb. f. cl. Phil., Sup. vol. 24 (1898), p. 135; Wissowa, de Macr. font., p. 42; Litt, Ueber eine Quelle von Plutarchs Aetia Romana, Rhein. Mus., vol. 59 (1904), p. 607 ff.

[4] Rhein. Mus., vol. 59 (1904), pp. 608, 609.

[5] De Propert. carm. auct., p. 42.

[6] De Propert. carm. auct., p. 42.

too unlike to render the assertion of intimate relationship credible.

Another poet to treat the myth in aetiological elegiac[1] is Ovid, Fasti 1. 543-586. No new features are presented. Unlike Propertius Ovid presents a single myth only, if indeed the Hercules-Cacus myth with Evander as tritagonist can be called a single myth. It will be seen that, like Livy, Ovid places the time of his myth in the morning—the only writers, by the way, who are concerned with the time element. Yet it is a natural feature in the narrative of each, for Ovid, it must be remembered, is writing a calendar, poetically adorned it is true, but a calendar still, and Livy is chiefly concerned with the priestly ritual and sacrifice. This feature may indicate in part an ultimate common source earlier than the later annalists. Ovid, however, did not consult sources earlier than the later annalists for his narrative.[2] Whatever may be his debt in the Fasti to a calendar of Verrius Flaccus, as maintained by Litt,[3] or to Verrius's Fasti Praenest., used as a sole source, as held by Winther,[4] or to Varro,[5] it is evident that the poet's chief source here was Virgil's graphic account of the same myth.[6] The influence of

[1] Cf. Rohde, der griech. Roman, 2te Aufl., p. 134 ff.

[2] Peter, Ovid, ed. 1879, p. 16.

[3] De Verrii Flacci et Corn. Labeonis fastorum libris, Bonn, 1904; cf. Berl. Phil. Woch., 1905, pp. 571-574.

[4] De Fast. Verr. Flac. ab Ov. adhib., Berlin, 1885; Jahresb. ü. d. Fortschr., d. cl. Alter., vol. 43 (1885), pp. 168-173.

[5] Huelsen, Varronianae doctrinae in Ov. Fast. vest. diss., Berlin, 1880.

[6] Merkel's statement that Ovid took the myth of Hercules from Ennius is not borne out by an examination of either Ennius or Ovid. Merkel, Fasti, Berlin, 1841, p. lxxxii; Vahlen, Ennianae Poesis Reliquiae, Leipzig, 1903, pp. lx, lxi.

Propertius is also manifest, however, as is the acquaintance with Livy. The predominating influence of Virgil can best be seen from the comparison of Virgil, Propertius, and Ovid in the following table. The influence of Livy and the annalists is less extensive but no less marked in places.

Livy.	Virg.	Prop.	Ovid.
ut quiete et pabulo laeto reficeret boves, et ipsum fessum via procubuisse.		et statuit fessos, fessus et ipse, boves.	
	Amphitryoniades ... stabulis.	Amphitryoniades quatempestate iuvencos egerat a stabulis, O Erythea tuis.	Ecce boves illuc Erytheidas applicat heros.
pastor accola eius loci nomine Cacus, ferox viribus.	.... raptor saxo occultabat opaco.	Incola Cacus erat, metuendo raptor ab antro.	....feros; Cacus, Aventinae timor.
	hic spelunca fuit, vasto summota recessu, semihominis Caci facies quam dira tenebat, solis inaccessum radiis.		proque domo longis spelunca recessibus ingens, abdita, vix ipsis invenienda feris ... dira viro facies, vires pro corpore, corpus grande.
	semperque recenti caede tepebat humus, foribus adfixa superbis ora virum tristi pendebant pallida tabo.		ora super postes adfixaque bracchia pendent, squalidaque humanis ossibus albet humus.

Livy.	Virg.	Prop.	Ovid.
	huic monstro Volcanus erat pater.		pater monstri Mulciber huius erat.
	illius atros ore vomens ignis magna se mole ferebat.	per tria partitos qui dabat ore sonos (focos MSS. variant).	
	vallemque boves amnemque tenebant.		vagantur incustoditae lata per arva boves.
aversos boves ....caudis in speluncam traxit.	atque hos, nequa forent pedibus vestigia rectis, cauda in speluncam tractos versisque viarum indiciis raptor saxo occultabat opaco.	ne certa forentmanifestae signa rapinae, aversos cauda traxit in antra boves.	traxerat aversos Cacus in antra feros.
Hercules ad primam auroram somno excitus cum gregem perlustrassetoculiset partem abesse numero sensisset.			mane erat: excussus somno Tirynthius actor de numero tauros sentit abesse duos.
ipsa vestigia quaerentem.	quaerenti nulla ad speluncam signa ferebant.		nulla videt quaerens taciti vestigia furti.
confusus atque incertus animi ex loco infesto agere....occepit.	ecce furens animis aderat Tirynthius omnemque accessum lustrans huc ora ferebat et illuc, dentibus infrendens.		

Livy.	Virg.	Prop.	Ovid.
infesto agere porro armentum occepit.	cum iam stabulis saturata moveret Amphitryoniades armenta abitumque pararet, discessu mugire boves.	Amphitryoniades egerat a stabulis.	Iove natus abibat.
reddita inclusarum ex spelunca boum vox.	reddidit una boum vastoque sub antro mugiit et Caci spem custodita fefellit.	furem sonuere iuvenci.	....mugitum rauco furta dedere sono.
	rapit arma manu nodisque gravatum robur.	Maenalio iacuit pulsus tria tempora ramo.	adductaque clava trinodis.
	hic vero Alcidae furiis exarserat atro felle dolor.	furis et implacidas diruit via fores.	
	speluncamque petit.		victor ad antra venit.
	ut sese inclusit ruptisque immane catenis deiecit saxum, ferro quod et arte paterna pendebat, fultosque emuniit obice postis.		ille aditum fracti praestruxerat obice montis, vix iuga movissent quinque bis illud opus.
		ille humeris postes concussit opacos.... tergo qui sustulit orbem.	nititur hic umeris (caelum quoque sederat illis).

Livy.	Virg.	Prop.	Ovid.
	ter totum fervidus ira lustrat Aventini montem, ter saxea temptat limina nequiquam, ter fessus valle resedit.	pandite defessis hospita fana viris....haec fesso vix mihi terra patet.	occupat Alcides, adductaque clava trinodis ter quater adversi sedit in ore viri.
	stabat acuta silex praecisis undique saxis speluncae dorso insurgens, altissima visu, dirarum nidis domus opportuna volucrum.	populus et longis ornabat frondibus aedem, multaque cantantes umbra tegebat aves.	
	dexter in adversum nitens concussit et imis avolsam solvit radicibus; inde repente impulit, impulsu quo maximus intonat aether, dissultant ripae refluitque exterritus amnis.		nititur hic umeris....et vastum motu conlabefactat onus. quod simul eversum est, fragor aethera terruit ipsum, iactaque subsedit pondere molis humus.
	telis premit omniaque arma advocat et ramis vastisque molaribus instat. ille		prima movet Cacus collata proelia dextra, remque ferox saxis stipitibusque gerit.

Livy.	Virg.	Prop.	Ovid.
	autem (neque enim fuga iam super ulla pericli) faucibus ingentem fumum .... evomit.		quis ubi nil agitur, patrias male fortis ad artes confugit, et flammas ore sonante vomit. [Cf. F. 6, 80.]
	hic Cacum in tenebris incendia vana vomentem corripit .... et angit inhaerens elisos oculos et siccum sanguine guttur.		ille cadit, mixtosque vomit cum sanguine fumos. [Cf. F. 6, 81.]
	hanc aram luco statuit quae maxuma semper dicetur.	ara per has, inquit, maxima facta manus.	constituitque sibi, quae maxima dicitur, aram.
	Salve, vera Iovis proles, decus addite divis, et nos et tua dexter adi pede sacra secundo.	Sancte pater, salve, cui iam favet aspera Iuno, Sancte, velis libro dexter inesse meo.	
	ite domum pasti, si quis pudor, ite iuvenci. [Ecl. 7, 44.]	ite boves, Herculis ite boves.	
	passimque armenta videbant, Romanoque foro et lautis mugire carinis.	qua Velabra suo stagnabant flumine quaque nauta per urbanas velificabat aquas.	Ille meas remis advena ' torsit aquas, venit et Alcides. [F. 5, 644.]

Livy.	Virg.	Prop.	Ovid.
Is tum Euander, concursu pastorum trepidantium .... te mihi mater, veridica interpres deum, aucturum caelestium numerum cecinit .... ibi tum primum bove eximia capta de grege sacrum Herculi .... factum.			Immolat ex illis taurum tibi, Iuppiter, unum victor et Euandrum ruricolasque vocat ... nec tacet Euandri mater, prope tempus adesse Hercule quo tellus sit satis usa suo. at felix vates, ut dis gratissima vixit, possidet hunc Iani sic dea mense diem.

The table calls for a word of comment. Only the more direct parallelisms are indicated. Livy and Propertius agree in the representation of Hercules pasturing his cattle, both tired, *fessus, fessos.* Virgil calls him *Amphitryoniades,* and in mentioning the driving away of the cattle uses the word *stabulis,* characteristics followed by both Propertius and Ovid. Propertius and Ovid agree in the mention of *Erythea,* Ovid following Propertius. Livy speaks of Cacus as *pastor accola,* and Propertius, following him, as *incola Cacus.* Virgil speaks of Cacus as a *raptor* living in a dense cavern; Propertius follows exactly. In the description of Cacus's cave Ovid follows Virgil literally, even to the point of quotation. Ovid's characterization of Cacus's father is manifestly taken over bodily from Virgil. In the mention of the theft and the ruse of Cacus to conceal it, it will be seen that Virgil has borrowed both from the Homeric Hymn to Hermes[1] and from Livy's sources. This

[1] Cf. p. 229 f.

is a feature found in all the poets. Propertius, while in general like Livy, still follows Virgil, as does also Martial, 5. 65, 6, and Ovid follows Propertius. Livy and Ovid agree in the time of the myth,[1] wherein Ovid follows Livy closely. Virgil follows Livy's annalistic sources in the representation of Hercules seeking his stolen cattle, while Ovid follows Virgil. In the preparation for departure Virgil follows Livy loosely, is followed closely by Propertius who in turn is followed literally by Ovid. Ovid's description of Hercules's club is directly from Virgil. Hercules's anger is common to Virgil and Propertius. The device of Cacus's use of a huge rock to bar the entrance of his cave is followed by Ovid. Hercules's method of breaking in by use of his shoulders whereon the world had once rested is a feature of Propertius followed to a point of quotation by Ovid. Propertius doubtless took the suggestion from Aeschylus, Prom., 350, who in turn derives the entire scene from Pindar P. 1. 21 ff.[2] Virgil's characterization of the futile preliminary attacks of Hercules is followed loosely by Propertius, closely by Ovid. Virgil's description of the towering cliff, the home of dread birds, finds its direct imitation in the more peaceful narrative of Propertius in the tall poplar, sacred to Hercules,[3] the home of singing birds. Hercules's method of loosening the cliff and the dread sound it caused when hurled is imitated by Ovid—in both cases the mythical rock makes a mythical crash that shatters the very heaven with its din. The use of branches and stones in the combat of Virgil is followed by Ovid, and the resort to flames by Cacus is borrowed by Ovid from Virgil. Ovid's mention of Typhoeus breathing up flames of lurid fire through Aetna, which at first seems an addition of his own, is in

[1] Cf. p. 241. [2] Cf. p. 231, n. 5. [3] Virg. Aen., 8. 276.

reality simply an explicit following out of Virgil's treatment[1] and is proof of Ovid's indebtedness. The closeness of the resemblance of Propertius at this point depends on the reading of *sonos* or *focos; focos* would be Virgilian, *sonos,* Hesiodic. Cacus's breathing forth fire and blood in Ovid is a manner of death following Virgil. The death blow by means of a club, *clava,* in Livy is reproduced in Propertius, who in writing *tria tempora* was doubtless influenced by Virgil's description of Geryon as *tergeminus,* an adjective derived from Aeschylus's τριῶματος Γηρυών.[2] The institution of the *ara maxima* in Virgil is followed loosely by Propertius, is quoted by Ovid. The assembly and sacrifice in Livy are used by Ovid. The closing lines of Virgil are echoed in the closing lines of Propertius.

That Ovid's account finds its source in Virgil cannot be doubted. The parallels are so many and so close that an inference as to any other chief source is incredible. In addition to Virgil the unmistakable resemblances to Livy in form and content prove that both Livy and his sources were in Ovid's mind. Propertius's indebtedness to Virgil is likewise certain but less marked. In the consideration of Propertius, however, it must be remembered that he is in reality telling the myth of Bona Dea and that the Hercules-Cacus myth is merely an introduction to it. It is clear that for the development of the Hercules myth it must be granted that Virgil is followed by Propertius and by Ovid

[1] Cf. p. 233.

[2] Agam., 870. He is τριώματος by implication in Stesichorus, Bergk, Poet. Lyr. Gr., vol. 3, p. 976, fr. 6; cf. Lucr. 5. 28, *tripectora tergemini vis Geryonai;* Virg. Aen., 6. 289; Hor. O. 2. 14, 8; Sil. Ital. 1. 277.

and that in all there are traces of the later annalistic accounts, more distinct in Propertius than in Virgil, but most distinct in Ovid.

The relationship of the various accounts as determined in this paper is indicated in the following table.

CHAPTER III

THE ORIGINAL FORM OF THE MYTH

I have attempted to show that the various accounts of the Hercules-Cacus myth stand in peculiar relationship to one another, and furthermore that these various and varying accounts may be grouped in more or less coherent fashion with definite traces of kinship. Certain accounts are manifestly derived from other accounts. These accounts of known derivation may therefore be eliminated from consideration in determining the possible original content of the myth at Rome. There will be left to consider, then, the versions of Livy 1. 7 and 9. 29; Dionysius 1. 41-43; Strabo 5. 3, 3; Origo 6, 8; Diodorus 4. 21; Virgil, Aeneid, 8. 184 ff. They may be taken in the following order: (1) Virgil, (2) Origo, (3) Dionysius, (4) Livy, (5) Strabo, (6) Diodorus.

(1) The content and form of Virgil's myth have been discussed above, p. 228 ff. Its relation to Homer, Hesiod, the annalists, and later writers was indicated. No similar version in Latin existed before Virgil, and his method of treatment cannot have antedated Virgil himself.[1] For the version is a species of *contaminatio*. Is Virgil's myth, then, the primitive form of the myth in Italy? The answer must be negative. If it were primitive it is reasonable to suppose that some hint or trace of a similar treatment must have existed in earlier accounts. No such trace occurs and the implicit testimony of Macrobius is opposed

[1] Cf. p. 236.

to it. It can be regarded as primitive only if one supposes that Virgil is giving for the first time in literary form the substance of popular legend and oral tradition. While it is well known that Virgil was a diligent student of such legends,[1] there is no evidence that popular legend told of a combat of darkness and fire and smoke. Again, it can be regarded as primitive only on the theory that the Hercules of Virgil represents a god of light as opposed to Cacus the god of darkness, and that the conflict is thus a poetic rendering of a nature myth, the conflict of light and darkness.[2] Recent research has shown that Herakles (Hercules), however, is not a god of light and asserts most emphatically the essentially Hellenic character and origin of Herakles.[3] He is a god of healing, as Gruppe has shown.[4] Virgil's myth, aside from a reminiscence in the figure of Cacus, perhaps, contains nothing of a prim-

[1] Cf. p. 228 and n. 2.

[2] Cf. K. O. Mueller, die Dorier, vol. 2, pp. 463-482; Schwegler, Röm. Geschichte, vol. 1, p. 371; Kuhn, Zeitschr. f. deutsch. Alter., vol. 6 (1848), p. 128; Bréal, Hercule et Cacus, p. 79 ff.; Fr. Spiegel, Zeitschr. f. vgl. Sprachf., vol. 13 (1864), p. 386 ff.; Robert, Hermes, vol. 19 (1884), p. 482 ff.; Schwenk, Rhein. Mus., vol. 20 (1865), p. 458; ibid. vol. 22 (1867), p. 129 ff.; Fiske, Myths and Mythmakers, p. 119; Hager, Gesch. Entwickelung d. Heraklesmythos, p. 20; Harrison, Class. Rev., vol. 7 (1893), pp. 74-78, and the réfutation by Farnell, Cults of the Greek States, vol. 1, pp. 199-201; Mannhardt, Wald u. Feldkulte, vol. 2, p. 111; and the refutation of the Izdubar theory by E. Meyer, Geschichte d. Altertum, p. 185 ff.

[3] Wilamowitz-Moellendorff, Herakles, 2te Aufl., vol. 1, p. 1 ff.; Gruppe, Griech. Myth. u. Relig., vol. 1, pp. 450-501; Furtwängler, Roscher's Lexikon, vol. 1. 2, p. 2135 ff.; P. Friedländer, Herakles, Berlin, 1907; Block, Jahresb. ü. d. Fortschr. d. kl. Alter., vol. 124 (1905), p. 441; Beloch, Rhein. Mus., vol. 49 (1894), pp. 126, 127.

[4] Griech. Myth. u. Relig., vol. 1, p. 453.

itive character.[1] Hercules is, after all, the stereotyped Herakles of Greek mythology, of more than mortal strength, engaged always in conflict with some grim opponent.[2] It is the opponent that is as characteristic a feature of Herakles as is his strength, and the opponent is always worsted. Here the opponent is Cacus,[3] an old Roman divinity of unknown attributes but possibly a primitive fire god whose precise nature had been long since forgotten, whom Virgil recreated and endowed with the power and personality of Typhoeus. And thereby he won for his episode largeness of outline and yet exactness of detail that make it one of the best in his poems, comparable to a picture, strong in its drawing and brilliant in its coloring.

(2) The literary form of the myth in the *Origo* 6, 8 was discussed above, p. 204 ff. It was there assigned to Verrius Flaccus. This form of the myth was regarded by Reifferscheid,[4] followed by Peter,[5] *de Hercule et Iunone diis Italorum coniugalibus,* as the primitive form. In support of his theory he urged that *Garanus* revealed Hercules under a primitive and predominant aspect, namely that of the *genius* of men, as Juno was that of women.

The most noticeable characteristic of the version is its ethical philology. Hercules or *Recaranus* = *Garanus,* as has been said,[6] is *quidam Graecae originis, ingentis corporis et magnarum virium pastor.* Cacus is *Euandri servus, nequitiae versutus et praeter cetera furacissimus.* Evander

[1] Cf. Wissowa, Pauly-Wissowa, Real-Encycl., vol. 3, p. 1168.

[2] Wilamowitz-Moellendorff, Herakles, 2te Aufl., vol. 1, p. 33 ff.; Gruppe, Griech. Myth. u. Relig., vol. 1, p. 450 ff.; P. Friedländer, Herakles, p. 147.

[3] Cf. pp. 225, 233 ff.

[4] Annali d. Inst., vol. 39 (1867), pp. 352-362.

[5] Roscher's Lexikon, vol. 1. 2, p. 2259 ff.; Aust, Religion d. Römer, p. 146 ff.; cf. above, p. 178 ff.

[6] Cf. p. 204 ff.

is *excellentissimae iustitiae vir.* It can only be a late stage of the myth that converted Cācus into Κακός[1] and then through a rationalizing inference into a slave of the man who is good = Evander. If mythology can ever be said to be 'a disease of language'[2] this version may be said to be positively moribund. And the form *Garanus,* also, is doubtless a philological variant, probably from Greek sources. The source given for this form is stated by the *Origo* 7 as *Cassius lib.* 1.[3] The author of the *Origo,* however, derived it from Verrius Flaccus.[4] Whether or not Flaccus drew it from Cassius depends on the credibility of the *Origo's* citations. They have been generally mistrusted,[5] and in this case the notice of Pseudo-Servius *in Aen.,* 8. 203 is against its credibility: *sane de Caco interempto ab Hercule tam Graeci quam Romani consentiunt, solus Verrius Flaccus dicit Garanum fuisse pastorem magnarum virium, qui Cacum adflixit, omnes autem magnarum virium apud veteres Hercules dictos.* The passage as such bears every mark of antiquarian refinement.[6] But even granting the genuineness of the citation, which would then throw the creation of *Garanus* from Flaccus to the shadowy Cassius, there can be little doubt that the name was found not in any early account of the Hercules myth, but in either Greek art or Greek literature. *Garanus* may be a Latinized corruption of Geryones or Garyoneus.[7] Or it may be due,

[1] Cf. p. 205.

[2] Max Müller, Contributions to the Science of Mythology, vol. 1, p. 38.

[3] Cf. p. 207.

[4] Cf. p. 206 f.

[5] Schanz, Röm. Litt., vol. 4. 1, p. 61.

[6] Cf. p. 205.

[7] Cf. Schwenk, in Hillen, de Herc. Rom. fab., p. 40. The form Γαρυϝόνης, as a matter of fact, appears on a Chalcidian vase. C. I. G. 7582, Kretschmer, Griech. Vaseninschriften, p. 47.

with more probability, to the Greek myth[1] wherein Κάρανος, as Jordan points out,[2] was the son of the Argive Pheidon, a Herakleid, who was one of a Greek band to take Edessa and found the Macedonian dynasty. And since the Argei were accompanied thither by the Argive comrades of Herakles it is highly probable that this Herakleid myth proved the source of Verrius Flaccus's aberrant form *Garanus*.

Following Preller,[3] who called the Garanus version "eine keineswegs zu verachtende Tradition" and explained the word *Garanus* = *Kerus* = the Oscan *Keriivi* which appears as an epithet applied to *Hereklui* (Hercules),[4] Reifferscheid found in the Garanus variant prime support for his theory that Hercules is *genius,* the *genius* of men. The account in the *Origo* would thus represent the essence of the primitive myth. But *Kerus* and *Garanus* do not evidence identical bases; neither is *Kerus* the equivalent of *genius,* either etymologically or functionally. Garanus, Κάρανος (Καρα-), is merely a chief, a leader.[5] The Oscan adjective *Kerriios* is akin to *Cerus, Ceres, creare,*[6] and the fact that the same epithet is applied to Janus in the old

[1] Theopompus, F. H. G., vol. 1, p. 283, fr. 30; Justin. 7. 1, 7; Livy 45. 9, 3.

[2] Hermes, vol. 3 (1869), p. 408; Preller, Röm. Myth., 3te Aufl., vol. 2, p. 283, n. 4. Peter refuses to admit the validity of Jordan's argument, Roscher's Lexikon, vol. 1. 2, p. 2272.

[3] Röm. Myth., 3te Aufl., vol. 2, p. 283.

[4] Op. cit., vol. 1, p. 80; 2, p. 283; Jordan's note 4; Hermes, vol. 3 (1869), p. 409; Mommsen, Annali d. Inst., vol. 20 (1848), p. 424; Wissowa, Relig. u. Kult., p. 228.

[5] Cf. Meyer, Griech. Etym., vol. 2, p. 350.

[6] Cf. Wissowa, Roscher's Lexikon, vol. 1, 1, p. 867. So among the Umbrians of Iguvium a *Martius Cerfus* is found: the word *cerfius* also recurs. Both this and the Paelignian *Cerfus*, Buecheler, Rhein. Mus., vol. 33 (1878), p. 281, Umbrica, p. 80, are connected with *cerus;* cf. Wissowa, Relig. u. Kult., pp. 158, 159.

Salian hymn[1] deprives the attribute of any special significance so far as Hercules is concerned. *Genius,* (γεν or γιν),[2] is not used as an epithet of Hercules or other divinities, although inscriptions *genio Iovis, genio Martis* and the like are common enough. No argument for the primitive nature of the Hercules myth can rest on the version of Flaccus, which is certainly a late and sophisticated variant.

In further support of this theory certain works of art have been cited by both Reifferscheid and Peter. These I have already noticed.[3] The attempt to use the myth of Verrius Flaccus to prove that Hercules = the *genius* of men seems misdirected. The assurance that it is primitive[4] can come only when one closes one's eyes to the widespread influence and significance of the Greek myth.[5] That he is not a home-spun Italic deity is proved by the name formation.[6] There doubtless was some Italic divinity or divinities whose attributes were engrafted upon the powerful Grecian god but this holds true of almost every Greek mythological character and merely means that the attributes of a god change with the passing of time and peoples.

[1] Varro, L. L. 7. 26; Festus, 122 M., C. I. L. I, 46.

[2] Censorin. de die nat., 3: *sive quod ut genamur curat, sive quod una gignitur nobiscum, sive etiam quod nos genitos suscepit ac tutatur, certe a genendo genius appellatur;* cf. Festus, Pon., p. 67; Varro ap. Aug. C. D. 7. 13, Agahd, Jahrb. f. cl. Phil., Sup., vol. 24 (1898), p. 208: *quid est Genius ? Deus, inquit, qui praepositus est ac vim habet omnium rerum gignendarum.*

[3] Cf. p. 178 ff.

[4] Roscher's Lexikon, vol. 1. 2, p. 2272 f.

[5] Cf. Wilamowitz-Moellendorff, Herakles, 2te Aufl., vol. 1, pp. 1-107; Gruppe, Griech. Myth. u. Relig., vol. 1, pp. 450-501; Friedländer, Herakles, Berlin, 1907.

[6] Cf. p. 187, note 8.

There seems to me to be another objection to the view of Reifferscheid and Peter. It is this: the identification of Hercules with the *genius* of men would make Hercules part of Roman ancestor worship, or at least bring him into line with it; the worship of *genii* is inherent in ancestor worship.[1] The fact of ancestor worship among the Romans is a matter of common knowledge. The old Roman pride of family, the sanctity of custom, the strength of paternal authority, the persistence of family ties, the *lares* and *penates* all attest the fact, were attestation needed. The Roman lack of imagination is itself a proof, for among unimaginative peoples the worship of ancestors is strongest. But Hercules never appears in this light. From his first official recognition in Rome in the lectisternium of 399 B. C., and in the subsequent lectisternia, he is worshipped side by side with the gods of Greece. The significance of this fact requires more than Reifferscheid's array of art works to overthrow it. The god, like the mortal, is known from the company he keeps.

(3) The next version to be considered is that of Dionysius 1. 41-43, the 'truer account used by many historians' in preference to that of 1. 39, 40 = Livy 1. 7. According to this version[2] Hercules is the best general of his time and comes into Italy at the head of an armed force. He wages war with Cacus, who is also the leader of a host. Clearly this is a later version than that given by Livy 1. 7. No primitive myth could ever have had this form. But it illustrates one of the steps through which the myth-making consciousness seems to develop. For may not one regard myth-making as an attempt at expla-

[1] Cf. Wissowa, Relig. u. Kult., pp. 154-159; Birt. Roscher's Lexikon, vol. 1. 2, pp. 1613-1625; Hild, Daremberg et Saglio, s. v. Genius; Preller, Röm. Myth., 3te Aufl., vol. 1, p. 75 ff.

[2] Cf. p. 213 ff.

nation, after all, an attempt to find some sort of unity and primal reality in the spiritual realm, and so as a kind of metaphysics?[1] It is often a phantastic metaphysics, of course, but none the less real for that. For first come gods in the mythology of a people, then heroes, that is demi-gods,[2] then great men. The gods disappear as the reflective consciousness develops, because they are seen to be out of reach of men, and so out of touch with human things. But the heroes linger longer in legend and myth because they are half human and the mediation between human and divine is effected more easily through them. Nevertheless the heroes, too, pass away in their appointed time. That time comes when the god part has been reasoned away and the human residuum remains. With the last vestige of divinity gone, this human part soon assumes a fictitious, historical character. In Dionysius 1. 41-43 the divine element has completely disappeared and the human has become dressed in the attributes of fictitious history. One might then call this the historical stage.[3]

(4) Livy's account, 1. 7; 9. 29 = Dionysius, 1. 39, 40, discussed above, is called a "jungere Fassung" by Wissowa.[4] But while the account is clearly aetiological it contains, I believe, the essential features of the Hercules myth as it must have been known to the Romans in the earliest times. Reduced to its outlines, Livy's version tells of a purely Greek god who comes to the Tiber side and institutes sacrifices at the *ara maxima,* initiating into the ritual the

[1] Cf. Aristotle, Metaphys., A. 2. 982. b. 11; *διὸ καὶ ὁ φιλόμυθος φιλόσοφός πώς ἐστιν, ὁ γὰρ μῦθος σύγκειται ἐκ θαυμασίων · κ. τ. λ.* Cf. Plato, Theat., 155 D.

[2] Serv., in Aen., 1. 196: *heros vir fortis, semideus, plus ab homine habens, ut ait Hesiodus.*

[3] Cf. p. 214.

[4] Relig. u. Kult., p. 229, 8.

Potitii and *Pinarii*. These sacrifices were known to differ from the usual Roman sacrifices in that they were said to be performed *Graeco ritu*. At this point the myth must have ended in its earliest form. A later generation sought a reason for the sacrifice and found it in the recovery of the cattle that were a familiar and indispensable feature of the Geryon myth. These cattle must have been stolen, and Cacus, originally a disparate deity, was given the rôle of the thief. The myth of Hercules and the myth of Cacus were thus originally two wholly distinct myths, fused by the Romans themselves in later times. Reduced to its outlines, the myth is properly annalistic in character and it was in the younger annalists, more particularly Tubero and Macer,[1] that Livy found his material. But there can be no doubt that the younger annalists simply expanded the account which they must certainly have found in their sources, namely the older annalists.

(5) It is precisely this form and content of the myth that is given in the account of Strabo 5. 3, 3 (p. 230),[2] which goes back to Acilius, the older annalist. In this brief version Cacus is not mentioned, while special attention is paid to the sacrifice which is called Greek. The *Potitii* and *Pinarii* do not appear. Hercules is the purely Greek Herakles and we reach a version that contains the essence of the versions of Livy and Dionysius, and that is considerably anterior to them. This I take to represent the oldest form of the Hercules myth at Rome, a purely Greek myth in origin, amplified and altered later by the admixture of the myth of Cacus. Further evidence for this view is found in the last version to be considered, that of Diodorus Siculus 4. 21.

(6) The myth presented by Diodorus has been discussed above, p. 222 ff. It was shown that in Diodorus's peculiar

[1] Cf. pp. 198, 200. [2] Cf. p. 215 ff.

version of the Hercules myth at Rome we reach for the myth a positive date considerably anterior to that pertaining to any literary form hitherto discussed. For the account of Diodorus can be assigned with certainty to Timaeus.[1] But it was pointed out that the entire presentation as given by Diodorus could not have come from Timaeus. Timaeus must have given attention to Hercules's descent through Italy and his institution of a sacrifice at Rome wherein the tithe offering and its injunction

[1] That Timaeus wrote on Italic and Sicilian affairs is stated by Suidas and is confirmed by the fragments (cf. Suidas s. v.; F. H. G., vol. 1, pp. 193-233; 4, p. 625 ff., which extend as far as a thirty-eighth book). This work covers a period extending from the earliest times till 264 B. C. according to Polybius 1. 5. The prominence given by Timaeus to myths can be seen from fragments 4, 6, 7, 8, 10, 11, 13, 16, 25, 37, 54, 66. It is this tendency that the sober Polybius considers one of Timaeus's chief faults, 12. 24, 5.

There is nothing to prove that another Sicilian, Stesichorus of Himera *circ.* 640-555 B. C. (cf. Christ, Griech. Litt., 5te Aufl., vol. 1, p. 200, n. 2), treated the myth of Hercules at Rome, although his Geryoneis contained features of significance for the development and spread of the Herakles myth; cf. Wilamowitz-Moellendorff, Herakles, 2te Aufl., vol. 1, p. 25. This Geryoneis was itself doubtless a part of a complete cycle of poems dealing with Herakles. This Herakleid would thus comprise what of the fragments is known as the Geryoneis, the Cerberos, and the Cycnos (cf. Welcker, Kleine Schriften, vol. 1, p. 173). Welcker ascribed the dodekathlon to Peisandros (op. cit., p. 83; Wilamowitz-Moellendorff, Herakles, vol. 1, p. 57, n. 101). Stesichorus represented H. as sailing to Erythea in a golden bowl (cf. Athen. 11. 470 C, and the red-figured bowl in Daremberg et Saglio, vol. 3. 1, p. 93). Christ, Griech. Litt., 4te Aufl., p. 164, thought that S.'s fragment shows Egyptian influence in that Ra, the Egyptian sun god, voyages in a skiff to heaven in the same way (cf. Herod. 2. 43; Paus. 7. 5, 5). This opinion is suppressed in the 5te Aufl., vol. 1, p. 202. Athenaeus, on the authority of Megakleides, also credits S. with

on those who desired a happy life played an important part.[1]

This practice is so much of an anomaly in Roman religion that various views have been suggested concerning its origin. Peter[2] derives the custom not from the conception of the Greek Herakles but from the idea of Sancus. Fowler suggests alternative views for the origin of the peculiar practice.[3] The practice of offering first fruits may have passed into that of offering tithes as the community changed from rural to city and commercial conditions; or the practice may be of Phoenician origin, an attribute of the Phoenician Melkarth, imported into Italy from Sicily.[4] Ernst Curtius[5] also regarded it as Semitic: 'The tithe was introduced into the west by the Phoenicians in particular. Therefore Italic myth attributes the tithe to the cult of the Tyrian Hercules, and it accords with the Phoenician conception that the promise of great riches is conditioned by the conscientious payment of the tithe.' Wissowa,[6] on the other hand, maintains that the practice is Greek and has its origin in commercial life.

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giving the hero the attributes of the lion's skin and the club which became inseparably attached to the myth henceforth (cf. Athen. 12. 512 F. = Bergk, Poet. Lyr. Graec., vol. 3, p. 990, fr. 57). But the lion's skin and club were introduced by Peisandros of Kameiros in the sixth century (cf. Strabo, 15, p. 688; Suidas, s. v. Peisandros; Furtwängler, Roscher's Lexikon, vol. 1. 2, pp. 2138, 2143; Robert, Bild u. Lied, p. 173; Festus, P. p. 249; Jebb, Philoctetes, v. 727).

[1] Cf. Diodor. 4. 21; Fowler, Rom. Fest., p. 196 f.

[2] Roscher's Lexikon, vol. 1. 2, p. 2256; cf. p. 2938; Schwegler, Röm. Gesch., vol. 1, p. 367.

[3] Cf. above, p. 188 f. Rom. Fest., p. 196 ff.

[4] Cf. W. R. Smith, Religion of the Semites, 2d ed., p. 246.

[5] Der Zehnte, Deutsche Rundschau, vol. 43 (1845), p. 192 ff.

[6] Relig. u. Kult., p. 225 f.

But it must be confessed that the origin of the tithing system is still enveloped in considerable darkness. W. R. Smith is of the opinion that the tithe was a fixed tribute. In an earlier stage this tribute took the form of first fruits, common the world over,[1] which was a private offering. When this proved inadequate to meet the expenses of a more elaborate cultus among Semitic peoples the tithe was charged as a fixed burden on land.[2] That it reached a very high state of development at an early stage in the life of the Semites in Israel in the period of the kingdoms, there can be no doubt.[3] The free-will offerings of E, as Moore points out,[4] become statutory in D. And the practice whereby men offered first fruits to Yahwe in sacrifice and thereby became Yahwe's guests in the sacrificial meal finds a close analogue in the decimal feasts of ten days in honor of Hercules.[5] On so large a scale were these offerings and the attendant feasts that the phrase *decumam pollucere* or *pollucere* came to signify a sumptuous repast.[6] Moore, how-

[1] Cf. Frazer, Golden Bough, 2d ed., vol. 2, p. 459 ff.

[2] Relig. of Sem., 2d ed., p. 245 ff.; cf. above, p. 189 and n. 2; Rouse, Greek Votive Offerings, p. 55.

[3] Cf. Ex. 34. 26; 22. 29; Am. 4. 4; Gen. 28. 22; Deut. 14. 22, etc.

[4] Encyclopedia Biblica, s. v. Tithes; cf. Taxation.

[5] Varro, Sat. M. fr. 413, Buecheler = Macr. 3. 12, 2: *maiores solitos decimam Herculi vovere nec decem dies intermittere, quin pollucerent ac populum ἀσύμβολον cum corona laurea dimitterent cubitum.*

[6] Fest. p. 253(M); Serv., in Aen., 8. 269; Plaut. Rudens, 1418; Marquardt, Staatsverw., 2te Aufl., vol. 3, p. 149. It is probably from this source that the adjective *decumanus* came to be used of things large. Cf. Paul. Exc., p. 50 (P); Lucan, Phar., 5. 672; Sen. Agam., 523; Cic. de Off., 2. 17. At times the offering was very small, or there could have been no point to Tertullian's taunt: *nolo et ritus vestros recensere; non dico quales sitis in sacrificando, cum enecta et tabidosa et scabiosa*

ever, regards the tithe as more or less universal in origin and cites the articles δεκάτη (Koch) and *decima* (Liebenam) in Pauly-Wissowa's Real-Encyclopädie[1] for the Greeks and Romans. Koch has shown that the tithe was common enough among the Greeks (1) as a tax on the yield of a piece of land, payable to the owner, whether the latter be a private citizen, a sanctuary, or the state itself; (2) as the dedication of the spoils of war or other gain by the state or individuals to the divinities in recognition of their real ownership; (3) as a levy in the sense of toll-money or impost duty. But none of the references proves that the practice may not have been ultimately derived from the Semites. Especially significant in this connection is the statement of Aristotle (?)[2]: νόμου ὄντος ἐν Βαβυλωνίᾳ παλαιοῦ δεκάτην εἶναι τῶν εἰσαγομένων. Koch's list of dedicatory offerings has been vastly increased by Rouse,[3] and still more examples can easily be found, if more were needed. But it is noteworthy that only very rarely is Herakles the recipient.[4] If, then, as Wissowa believes, the tithes given to Hercules were derived from Greek custom one should expect to find tithes commonly given to Herakles. But this is not the case.[5] Again, if they were an original de-

quaeque mactatis; cum de opimis et integris supervacua quaeque truncatis capitula et ungulas, quae domi quoque pueris vel anibus destinassetis; cum de decima Herculis nec tertiam partem in aram eius imponitis. Apol., adv. Gent., 14. Cicero would call it foolish to give even the *enecta et scabiosa quaeque*, if we may believe his *neque Herculi quisquam decumam vovit umquam, si sapiens factus esset.* De Nat. Deor., 3. 36, 88.

[1] Vol. 4, pp. 2423 f., 2306. [2] Oecon., 2. 35.

[3] Greek Votive Offerings, Cambridge, 1902, pp. 39-94.

[4] E. g. I. G. XII, 3, 431.

[5] They are commonly given to Athena, I. G. XIV, 664, 2274; I. G. I. (C. I. A. I) 32, 334, 403; I. G. II (C. I. A. II), 1422; C. I. G. II, 2660; to Apollo, I. G. XII, 3, 257, 258; I. G. II (C. I.

velopment in Italy as elsewhere, as Peter believes, one should expect to find them given to other deities besides Hercules,[1] who was not the national god of Italy. But this again is not the case. It would seem, therefore, that Fowler's second suggestion furnishes the only satisfactory solution regarding the origin of the practice in the Roman cult. It is altogether possible that the Semitic institution of offering tithes to Melkarth,[2] the Lord of the City,[3] with whom the Greeks later sometimes identified their Herakles,[4]

A. II), 1154; C. I. G. II, 2265, 2481 d; III, 5133, 5362 b; to Artemis, I. G. IV, 977; I. G. I (C. I. A. I), 210; C. I. G. I, 1172; II, 1926.

[1] Tithes to Hercules are well attested by inscriptions, cf. C. I. L. I, 542 = IX, 4672, cf. C. I. L. I, 541; I, 1113, 1290 = IX, 3569 (old); VI, 331; I, 541; IX, 4071 a, 4787, 6153, 6348; X, 3956; XIV, 284, probably false; 2891-2893; V, 1579(?); I. G. XIV, 600, 652. Literary references abound, the most interesting being the story of Octavius Herrenus found in Macrobius 3. 6, 10-14 = Pseudo-Servius, in Aen., 8. 363; Diodor. 4. 21; Dionys. 1. 39, 4; 40, 4; 40. 2; Festus, p. 300(P) = 237(M); Origo, 6; Plaut. Stich., 233, 386; Truc., 562; Bacch., 665; Naevius, Colax 1 (Ribbeck 27, p. 12); Plut. Sull., 35, 1; Crass. 2, 2; Mar. 12; Plut. Q. R. 18; Cic. de Nat. Deor., 3. 36, 88; Tertull. Apol. adv. Gent., 14; Just. 18. 7.

[2] From the foundation of the city, says Diodorus 20. 14, 2, the Carthaginians sent the tithe of their produce to the Tyrian Hercules; cf. Polyb. 31. 20; Justin. 18. 7; Curt. 4. 2, 2; 4. 2, 10; Pietschmann, Geschichte d. Phoenicier, p. 288.

[3] Pietschmann, Geschichte d. Phoen., p. 184.

[4] Cf. the bilingual votive inscription in Greek and Phoenician from Malta, C. I. G. 5753 = C. I. Sem. I, 122; C. I. S. I, 88; C. I. G. 2271, 6806 = C. I. L. VII, p. 97; cf. C. H. Moore, Harv. Stud., vol. 11 (1900), p. 48, 49; Frazer, Adonis, Attis, Osiris, pp. 11, 12. Literary references showing the supposed identification abound, cf. Diodor. 20. 14, 14; Herod. 2. 44; Paus. 5. 25, 12; 10. 13, 8. Paus. is merely a reminiscence of Herod., cf. Wernicke, *de Paus. perieg. stud. Herod.*, p. 69. Herodotus's mention of the Phoenician origin of the Thasian Herakles cult is prob-

was engrafted upon Hercules in the transition period of perhaps the sixth century when the Latins were receiving the Greek Herakles, possibly through the medium of Phoenician traders. I cannot believe that Herakles, and so by implication, Hercules, was anything but a purely Greek god, but the foregoing supposition, which cannot admit of rigid proof in the light of present knowledge, may account for the anomalous practice in the Roman cult.

Diodorus's version, stripped of its manifest accretions, can be reduced to the outlines of the myth presented by Livy,[1] Strabo,[2] and the second half of the version of Solinus[3] accredited to the annalist Gellius. It is to these accounts, I believe, that one must go for the myth of Hercules as that myth was known to the earlier Romans. It is significant that the same kernel of the myth should be

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ably a false inference from the fact that there was a sanctuary of Herakles Θάσιος in Tyre. But this, like the Apollo Milesios in Naucratis, was evidently merely the Greek Herakles of the Thasians who had commercial relations with the Tyrians. Had Herodotus been able to prove the existence of a Herakles Tyrios in Thasos, i. e. to reverse the position, his statement would be more worthy of credence (cf. Furtwängler, Roscher's Lexikon, vol. 1. 2, p. 2142; further, Strabo, 16. 2, 23; Lucian, de dea Syr. 3; Arrian, Ex. Alex. 2. 16; Paus. 9. 27, 8; Apion, F. H. G. vol. 3, p. 511, 8; Tac. Ann., 12. 13; Cic. de Nat. Deor., 3. 16, 42. Wilamowitz-Moellendorff, Herakles, 2te Aufl., vol. 1, p. 26: "die leute die so reden kennen freilich Herakles und die griechische geschichte meistens nur als reminiscenz von der schulbank." (Cf. p. 27; Gruppe, Griech. Myth. u. Relig., vol. 1, p. 499, n. 1.) The attempt to find the Hellenic Herakles in a Semitic Melkarth (Movers, Die Phoenicier, 1, pp. 385-498), or Babylonian Izdubar, has failed (cf. Meyer, Geschichte d. Alter., p. 185; Bloch, Jahrb. ü. d. Fortschr., d. cl. Alter., vol. 124, 1905, p. 441; Furtwängler, Roscher's Lexikon, vol. 1. 2, p. 2136 ff.).

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[1] Cf. p. 194 ff. [2] Cf. p. 215 ff. [3] Cf. p. 217 ff.

presented in writers so disparate in time and manner as Livy, Strabo, Solinus, and Diodorus. It is furthermore significant that the account of the last named writer goes back to a Greek historian of the third century B. C., and that the versions of each of the others can be traced directly to the early Greek-writing annalists of Rome.

Wissowa,[1] following Preller,[2] regards Cumae as the centre and ultimate source of the worship of Hercules in Italy. The chief support of this view lies in a notice of Festus [3] and a bronze vessel from the neighboring Capua. The text of Festus, however, is hopelessly corrupt. It reads:

Antigonus, Italicae historiae scribtor, ait, Rhomum quendam nomine, Iove conceptum, urbem condidisse in Palatio Romae eique dedisse nomen . . . . Historiae Cumanae compositor, Athenis quosdam profectos Sycionem Thespiadasque, ex quibus porro civitatibus, ob inopiam domiciliorum, conpluris profectos in exteras regiones, delatos in Italiam, eosque multo errore nominatos Aborigines, quorum subiecti qui fuerint Caeximparum viri, unicarumque virium imperio montem Palatium, in quo frequentissimi consederint, appellavisse a viribus regentis Valentiam.

Niebuhr's emendation,[4] *Caci improbi viri,* is comparatively simple and may be correct but it does not necessarily prove the antiquity of the myth for Cumae. For the nature, antiquity, and authenticity of the *Historia Cumana* are unknown. Such a work is nowhere else mentioned. In order to gain authority for it Reifferscheid [5] emends the notice of Pseudo-Servius *in Aen.,* 9. 707, *Lutatius communium historiarum,* where, as Schanz aptly remarks, " der

[1] Relig. u. Kult., p. 220.
[2] Röm. Myth., 3te Aufl., vol. 2, p. 280.
[3] S. v. Romam, p. 362 (P)=266 (M).
[4] Römische Geschichte, vol. 1, p. 225, n. 595.
[5] Rhein. Mus., vol. 15 (1860), p. 609.

Titel ist nicht zu ändern, sondern zu erklären." Consistency would also demand his emendation of Probus,[1] *Lutatius in primo communis historiae.* It would seem a safer course rather to emend the passage in Festus in order to bring it into harmony with these notices of a *communis historia.* A Lutatius, probably Lutatius Daphnis, the freedman of Q. Lutatius Catulus, appears to have written a general work dealing with Greek and Latin legends, called *communis historia.*[2] Granting that the corrupt text conceals the name of Cacus it is difficult to see why this notice from a late source should possess special significance for the antiquity of the myth at Cumae. For Cacus according to the scholia on Virgil also appears as Caeculus, on the authority of Cato, in the legends of Praeneste.[3] A number of Hercules inscriptions furthermore come from Praeneste.[4] The notice of Solinus 1. 7 is worthless for the substantiation of the antiquity of the Cumae theory.

A bronze dinos from Santa Maria di Capua[5] is further cited by R. Peter[6] in proof of the Italic character of the

[1] In Virg., Georg., 3. 293; cf. Philarg. in Verg. Georg. 4. 564.

[2] Riese, Rhein. Mus., vol. 18 (1863), p. 448 ff, regarded the work as a secular history as opposed to a sacred; cf. further Jahn, Persius, p. cxliii (ed. 1843); Peter, Hist. Rom. Frag., pp. 125-127; Mommsen, C. I. L. I, p. 389; Reifferscheid, Rhein. Mus., vol. 15 (1860), p. 609; H. Peter, N. Jahrb. f. Phil., vol. 115 (1877), p. 749 ff.; Teuffel, Röm. Litt., p. 142. 4; Müller, Festus, ad loc.; Klausen, Aeneas u. d. Penaten, vol. 2, p. 1223, n. 2494; Rohde, Rhein. Mus., vol. 48 (1893), p. 132; Peter, Hist. Rom. Rel., vol. 1, p. cclxx ff.; Schanz, Röm. Litt., vol. 1. 1, 3te Aufl., p. 289 f.; Wissowa, Relig. u. Kult., p. 61.

[3] Schol Veron., in Aen., 7. 681; cf. above, p. 235; Serv., in Aen., 7. 682, 678; Solin. 2. 9.

[4] C. I. L. XIV, 2890 ff.

[5] Monumenti d. Inst., vol. 5 (1849-53), Tav. 25; Annali d. Inst., vol. 23 (1851), p. 36 ff.

[6] Roscher's Lexikon, vol. 1. 2, p. 2275.

myth as localized in the Campanian district. The bronze, regarded as a Greek work of the fifth century from Cumae, represents Hercules armed with club, bow, and lion's skin, driving a herd of seven cattle, but turning to look back upon a figure suspended from the branches of a tree by the wrists and ankles. A dog precedes the herd. A crouching lion, two panthers, and two wolves in pursuit of a hind are represented behind the suspended culprit. Minervini,[1] followed by Peter,[2] interprets the bronze as representing the punishment of Cacus by Hercules. This is merely a conjecture. In reality we do not know what particular phase of the Herakles myth may be here represented. It is apparently connected with the Geryon expedition but the name of the evil-doer is not Cacus. Cacus is the youngest of Herakles's plagues in the Geryon episode. In Liguria there were also Poseidon's sons, Alebion and Derkynos, and in Sicily Eryx, where the field of combat is still Campo d' Ercole.[3] If the Cacus incident were old enough to have found expression on an urn of the fifth century it is strange that the minute account of Timaeus in Diodorus should have taken no cognizance of this phase of the myth.[4] The only safe inference that can be drawn from the notices of Festus, Cato, and Solinus is that Cacus originally was probably a district deity for the entire Vesuvian volcanic region, whose precise character and habitat it is idle, in the light of present knowledge, to attempt to fix definitely. It is safe to assert, furthermore, that the

[1] Annali d. Inst., vol. 23 (1851), p. 42 ff.

[2] Roscher's Lexikon, vol. 1. 2, p. 2276; cf. Furtwängler, ibid. p. 2241.

[3] Cf. Diodor. 4. 23; Apollod. 2. 5; Serv., in Aen., 5. 411.

[4] Cf. Robert, Hermes, vol. 19 (1884), p. 480; Furtwängler, Roscher's Lexikon, vol. 1. 2, p. 2241; Wissowa, Relig. u. Kult., pp. 220, 230; Friedländer, Herakles, p. 142.

myth of Cacus must for a long time have existed wholly apart from that of Hercules. In fact there is no evidence for believing that the peculiar blending of the two, the Hercules-Cacus myth as so commonly known from Virgil, was made before the time of Virgil himself.[1]

That Cumae performed an important part in the dissemination of the Greek Herakles myth and worship in Italy can admit of no doubt.[2] But it can scarcely be said to have been the sole avenue by which the personality of the Greek god came to Rome. For the ways of approach seem rather to have been two-fold, by means of the Greek cities of southern Italy on the one hand and of Etruria proper on the other.[3] The Geryon cycle itself, of which the Hercules-Cacus myth is merely an episode, as well as the shrines and countless representations of various phases of the Herakles myths in Etruscan art prove conclusively the influence exercised by Etruria, as Deecke has shown. Herakles was certainly known to the Etruscans as early as the sixth century B. C., as the oldest of the Etruscan art works definitely prove, e. g. the bronze Herakles found in the Lake of Falterona and now in the British Museum.[5] It was in the sixth century that commerce between Greece and Etruria began.[6] The Geryon myth itself, furthermore,

[1] Cf. pp. 225, 236, 253.

[2] Wissowa, Relig. u. Kult., p. 220.

[3] Cf. Daremberg, vol. 3, p. 125.

[4] Roscher's Lexikon, vol. 1. 2, Herkle, pp. 2298-2300; Furtwängler, ibid. pp. 2135-2252, passim; Martha, L'Art Étrusque, figs. 216, 221, 375, pp. 321, 325, 326, 549.

[5] Murray, Greek Bronzes, p. 26, fig. 9; cf. fig. 14; Annali d. Inst., vol. 16 (1844), Tav. F; von Duhn, Un Sepolcro Étrusco Scoperto nel Giardino Margherita, Bologna, 1890, p. 20; Furtwängler, Roscher's Lexikon, vol. 1. 2, p. 2153.

[6] Martha, L'Art Étrusque, p. 126.

found artistic expression as early as the sixth century.[1] At what time the Italians associated their indigenous Cacus with the Greek hero cannot be definitely determined. It cannot have been before the sixth century for both the Geryon and Typhoeus myths, of which the Hercules-Cacus myth is little more than a remodelling, belong to the sixth century.[2] But the account of Diodorus, taken from Timaeus, proves that Cacus was known to be associated with the myth by the time of the third century at least. And his appearance in the rôle of a robber of some sort must have become a fairly fixed feature of the myth by the time of the earlier annalists in the second century. Cacus as a demon was apparently unknown to them. Later Virgil rehabilitated the demonic conception of Cacus, which may have been the earliest one in the folklore of the volcanic region—a Cacus not associated with the Hercules myth—and ascribed to him from literary sources the attributes of Typhoeus.[3]

[1] Cf. Furtwängler, Roscher's Lexikon, vol. 1. 2, p. 2203 f.
[2] Gruppe, Griech. Myth. u. Relig., vol. 1, p. 499.
[3] Cf. p. 231 ff.

CHAPTER IV

REPRESENTATIONS OF THE MYTH IN ART

Furtwängler[1] maintained that there is but one genuine, ancient representation of the Hercules-Cacus myth, and this representation, based on analogy of Theseus and the Minotaur, is on a medallion of Antoninus Pius. Fröhner[2] describes it thus: "le corps de Cacus est étendu à l' entrée de sa caverne. Armé d' une massue et la peau de lion sur l' épaule, Hercule reçoit les habitants du pays, qui viennent lui marquer leur reconnaissance et dont l' un embrasse la main du héros. C° est probablement le roi Évandre, avec les colons grecs." Peter[3] includes (1) an engraved gem in Berlin[4] showing Hercules asleep near the cattle and Cacus drawing some of them backwards into the cave: (2) a bas-relief of an unknown marble urn described by Montfaucon[5] also showing Cacus dragging the cattle tail-foremost into the cave, while Hercules lies asleep; and (3) the medallion of Marcus Aurelius resembling the Antoninus medallion save for the absence in the latter of the men welcoming Hercules.[6] To these Gard-

[1] Roscher's Lexikon, vol. 1. 2, p. 2251; Annali d. Inst., vol. 23 (1851), p. 47.

[2] Les Médaillons de l'Empire romain, p. 56; Eckhel, Doctrina Numorum, vol. 7, p. 29.

[3] Roscher's Lexikon, vol. 1. 2, p. 2288.

[4] Winckelmann, Description des pierres gravées du feu Baron de Stosch, Class. 2 nr. 1759 = Furtwängler, Beschreibung d. geschn. Steine im Antiquar, nr. 9583.

[5] Ant. Expliq., Suppl., 1, pl. 50-52.

[6] Eckhel, Doct. Num. vol. 7, p. 47; Fröhner, Méd. de l'Emp. Rom., p. 57; cf. p. 58; Cohen, Méd. Imp. Marc Aurel, 398.

ner is inclined to add an Attic black-figured vase of the sixth century found in Sicily. This vase Gardner first interpreted[1] as "Cacus dragging the oxen by their tails into a sort of shed, on the top of which reclines a Satyr, who with his flutes tries to drown the sound of their lowing. On the other side (of the vase) stands Herakles, his foot on a basis, which one is almost tempted to regard as the roofless walls of the shed which he has demolished, while he sings to the lyre a hymn of victory." Pernice[2] questioned this interpretation. By a brilliant comparison with an Attic lekythos at Berlin[3] showing the judgment of Paris Pernice came to the conclusion that the painting is meant to show Hermes seizing Paris, the shepherd, that he may escape the ordeal of the judgment. He maintains that the two legs belong, the one originally to Hermes, the other to Paris. There can be no doubt about the keenness of Pernice's comparison and the closeness of the resemblance. But Pernice's finding of the end of a herald's staff in the odd knot of the oxen's horns is not convincing. In a more recent article[4] Gardner combats the view of Pernice and continues to hold to the main lines of his former interpretation without asserting positively that the painting is intended to represent the theft of Cacus. The Herakles on the reverse is not necessarily a proof for the Cacus interpretation, for Herakles playing the cithara is frequent on black-figured vases of the fifth century.[5] An Attic black-

[1] J. H. S., vol. 13 (1893), pp. 70-76; Catalogue of Greek Vases in Ashmolean Museum, 211 Pl. 1 A. This view is accepted by Walters, History of Ancient Pottery, vol. 2, p. 101.

[2] Jahrbuch d. k. d. Arch. Inst., vol. 21 (1906), pp. 45-52.

[3] Op. cit., p. 48; Arch. Zeitung, 1882, Pl. xi; Furtwängler, Cat. Vases Berlin, No. 2005.

[4] J. H. S., vol. 26 (1906), pp. 226-228.

[5] Cf. Furtwängler, Roscher's Lexikon, vol. 1. 2, p. 2189.

figured vase of the sixth or early fifth century is quite unlikely to represent a phase of the Herakles myth that cannot possibly belong to the sixth century and is probably much later than the fifth.[1] The painting, furthermore, cannot represent "Cacus dragging the oxen by their tails into a sort of shed" for the very obvious reason that the position of legs and feet show conclusively that the shepherd is not dragging but driving. Neither can the vase be cited in support of the supposition that the Hercules-Cacus myth may be of Phoenician origin.[2] For while the vase was found in Sicily [3] it is certainly of Attic workmanship, as the drawing, the style of painting, especially the absence of the red base clearly show.[4] The difficulties inherent in the interpretations of both Gardner and Pernice make this interesting amphora a fit subject for further study.

Gardner's interpretation of the pedestal of the Herakles statue from Cyprus, representing Herakles and Eurytion, as a version of the Cacus myth showing Phoenician influence is wholly unconvincing.[5] It is a matter of surprise that so popular a myth was not more commonly represented in ancient works of art. In the art of the Renaissance it became a fairly common subject.[6]

[1] Cf. p. 270.

[2] J. H. S., vol. 13 (1893), p. 75.

[3] Evans, Catalogue of Greek Vases, p. viii.

[4] Cf. Pernice, Jahrb. d. k. d. Arch. Inst., vol. 21 (1906), p. 46.

[5] J. H. S., vol. 13 (1893), p. 74; cf. Perrot and Chipiez, History of Art in Phoenicia and Cyprus, vol. 2, p. 171; Voigt, Roscher's Lexikon, vol. 1. 2, p. 1635.

[6] Furtwängler, Roscher's Lexikon, vol. 1. 2, p. 2251. A late but interesting representation occurs on a scodella, or shallow bowl on a low foot, attributed to Urbino. The painting is in the istoriato style, in ochreous red or orange, blue, green, and black. Cf. Barber, Tin Enameled Pottery, p. 10, fig. 4.

ROMAN LAW STUDIES IN LIVY

INTRODUCTION

The subject of this paper was suggested by an article of E. I. Bekker in the Savigny Zeitschrift für Rechtsgeschichte. This article is entitled Die Römischen Komiker als Rechtzeugen and is a review of Costa's work on the Roman private law in Plautus. Bekker adds, according to the classification of Costa, the material to be found in Terence. The value of the work of Costa and of Bekker seems to lie not in actual results they have been able to reach, from a legal point of view, but rather in the fact that they have shown to what extent legal terms and legal speech prevail in those two poets. With this point in mind, it is proposed here to show what kind of law interested Livy and to see what value his writings may have for the study of law. Clark says in his recent work on the Sources of Roman Private Law, p. 74: "It is upon Livy and Dionysius that we have mainly to rely for the evidence from general history, on Roman private law and its development." The purpose of this paper is to show that it was not private law, but public law rather, which interested Livy.

A fair criticism may be made upon the work of Costa and that of Bekker that they have cited many passages which have, apparently, no legal significance, because of their desire to let nothing pass that might have some legal bearing. With a view to eliminating this difficulty, in a measure, and also because the word, in its various significations, seems to be an interesting and a valuable study from

the point of view of jurisprudence, an attempt is made here to define *ius* in the various places in which it occurs in Livy. After the discussion of the meanings of *ius,* and of *ius gentium* in particular, the discussion of precedent and custom (*exemplum, mos, mos maiorum, institutum,* and similar terms) naturally follows. The remainder of the paper is occupied with the public law and procedure in Livy.

The text followed is that of Weissenborn revised by Müller, save that for books 39-45 the annotated text of Weissenborn has been used.

I. IUS

Ius denotes a power of control of a person over an object. The object may be another person.

1) So *ius* comes to denote a relationship between two parties. This relationship, at the outset, presupposes a superior and an inferior, or a person of inherence and a person of incidence. It is probably most often viewed from the point of view of the former but not necessarily so, for it often refers to the situation of the latter. Accordingly from either viewpoint, it may have the meaning of either rights or duties. Again it may connote the whole mutual relationship of the parties. The word joined with it frequently aids in showing the exact force of it, e. g. *ius ac libertas, ius ac dicio, ius et maiestas.*

2) Where the relationship has for its object a thing, or where it is not clearly defined, or where the feeling of relationship has somewhat faded out, *ius* means 'right' or 'rights.' It is a sort of *ius in rem,* e. g. 1, 17, 8 where it is said that the patricians did not give up *plus iuris,* 'more right' or 'more power,' than they retained; or as in 2, 34, 7 where the patricians thought the time had come *recuperandi iura.*

3) When the idea of relationship has largely faded out or when there is no definite notion of either subject or object, *ius* becomes more general and abstract and means 'right,' 'the right,' 'justice,' e. g. 21, 10, 9 *eventus belli velut aequus iudex unde ius stabat, ei victoriam dedit.*

4) A special form of usage 1) is represented by the relationship between the state and the citizens, or by the control or authority which the state exercises over them.

This is vested in its magistrates. The authority flowing from official position is frequently termed *imperium* or *potestas* and *ius* also. By closer definition it is sometimes termed *ius imperii* or *ius imperiumque*, e. g. 22, 27, 6.

5) This authority again, has reference to subject and to object. The authority exercised by an official has subject and object, each personal. The commands of a king represent to him his authority. To his subjects they represent law. The state exercises *ius*, 'authority,' over its citizens. To the citizens this *ius* or right to exercise authority, is law. Hence the translation of many passages depends upon the point of view one takes. An example is the following 1, 2, 4 *Aeneas . . . ut animos aboriginum sibi conciliaret, nec sub eodem iure solum sed etiam nomine omnes essent, Latinos . . . appellavit.*

6) We thus arrive at the meaning 'law,' the 'objectives Recht,' a crystallization and a limitation of *ius* meaning authority.

7) From the meaning 'law' *ius* readily passes over and is applied to the institution through which the law is administered, 'court.'

The synopsis given below will be closely followed.

Synopsis of the meanings of *ius*:[1]

1. IUS EXPRESSES RELATIONSHIP
   - i. A Relationship between two Parties
     - a. Superior and Inferior
       - 1) Authority—on the Side of the Superior
       - 2) Duty, Subjection, Rights—on the Side of the Inferior
     - b. Mutual Relationships

[1] See Nettleship, Contributions to Latin Lexicography, *Ius*. p. 497, and Clark, Jurisprudence, pp. 16-25. Clark discusses the radical and the derived meanings. He observes, p. 21, that "in the early use of this, the oldest term for law, there is no sign of plurality."

ii. Right or Rights without Definite Idea of Relationship
iii. Abstract Right, Justice, Justness of a Thing

2. IUS SIGNIFIES AUTHORITY, LAW, GOVERNMENT
i. Authority Flowing from Official Position
ii. Law, Authority, Government
iii. Law
a. Ius, Lex, and the Twelve Tables
b. Ius Divinum, Ius Humanum
c. Ius Publicum, Ius Privatum
d. Other Uses of Ius
iv. Court

3. INTERNATIONAL LAW
i. Ius Belli
ii. Ius Gentium

1. IUS EXPRESSES RELATIONSHIP

i. A RELATIONSHIP BETWEEN TWO PARTIES

a. Superior and Inferior

1) Authority: 5, 36, 5; 23, 7, 1 and 7; 30, 42, 19; 35, 16, 8; 41, 6, 10. Control of Territory: 3, 71, 7; 29, 31, 5; 34, 62, 10, 11, and 13; 39, 27, 10; 39, 28, 10; 40, 17, 6. Control of Revenue: 34, 62, 5. A lighter meaning, 'Influence': 2, 44, 5. In phrases: *nullo iure* 'with no authority' 39, 26, 2; *patrio iure* 1, 26, 9 (cf. 2. i); *iure imperii* 39, 27, 6; *dominium et ius* 'ownership and control' 45, 13, 15; *ius potestatemque,* pleonastic, 'right and opportunity' 5, 11, 5; *ius et maiestas,* used to express the authority and the superiority of the husband over the wife, 34, 2, 1; used to describe the powers of each of the orders in the state, 3, 63, 10. Also used to describe the powers inherited by the consuls from the kings, 4, 3, 9 (cf. 2. i). The relationship between suzerain and subject states is expressed often by *ius* in com-

bination with various words: *ius ac potestas* 42, 46, 4; *ius dicionemque* 21, 61, 7; 23, 15, 9; 26, 24, 6; 28, 21, 1; 32, 33, 9; 36, 14, 9; 38, 3, 3; 38, 48, 3; 40, 35, 13. Cf. *dicionem* without *ius* 26, 43, 4; also *in arbitrium dicionemque* 26, 33, 12; 34, 57, 7. *Ius iudiciumque* 36, 39, 9; 39, 24, 8; 41, 22, 4 can scarcely be anything more than a combination borrowed from judicial language, equivalent to *ius dicionemque*. It is not used in this sense by Cicero, Caesar or Tacitus (cf. 2. iii. c); *iuris condicionisque* 'terms of control' 8, 14, 11; *ius atque arbitrium* 34, 57, 7. Cf. *eodem iure* 8, 14, 3.

2) Duty: 26, 36, 3; 38, 13, 2 (cf. the reciprocal terms *ius et officium* 2. i). Subjection: 36, 42, 2. Rights of the Inferior: 37, 53, 7. In phrases: *ius ac libertatem* 34, 48, 2; *iure libertatis* 3, 56, 8; *seu ius seu auxilium* 40, 29, 11.

b. A Mutual Relationship

Ties between parent and child: 23, 9, 2. Ties between state and citizen: 6, 14, 8. A relationship of equality: *in aequum ius* 26, 24, 3 (cf. *aequo iure agi* 6, 37, 4; *vivere aequo iure* 21, 3, 6); *societas aequatio iuris est* 8, 4, 3; *societas eo iure staret* 24, 1, 13; *aequato iure omnium* 2, 3, 3. A status: *in antiqui formulam iuris* 'into the status of its former relationship' or 'into its former status' 32, 33, 7 (cf. 33, 38, 1; 34, 57, 8; 38, 38, 11); *formulam iuris ac dicionis* 26, 24, 6 (cf. *in sociorum formulam referre* 43, 6, 10); *in antiquum ius* 33, 40, 6; 35, 16, 6. A general relationship: *iure temporis*, 'rights subsisting at the time' 34, 31, 14. The two sides of a relationship between two nations where neither is suzerain or subject but where there is a point in dispute, is illustrated in 1, 32, 10, *ius persolvere* 'to fulfil one's duty,' and *ius adipisci* 'to obtain one's right,' opposite sides of the same transaction; *amicitiae . . . iura* 1, 34, 12; 26, 24, 9; *ius societatis amicitiaeve erat* 5, 35, 4;

iura hospitii . . . neu societatis 29, 24, 3; *iure hospitii* 1, 1, 1; *hospitale ius* 45, 20, 6; *secretum . . . ius,* 'independence' 39, 48, 3. Relationship of a more general nature: 24, 5, 9; 25, 18, 5 and 9; 41, 24, 10.

ii. RIGHT OR RIGHTS WITHOUT DEFINITE IDEA OF RELATIONSHIP

Political and civil rights: 1, 17, 8; 2, 34, 8 and 9; 3, 40, 4; 3, 45, 3; 3, 46, 3; 3, 53, 9; 3, 56, 8 and 10; 3, 64, 2; 4, 9, 6; 4, 10, 8; 4, 42, 6; 4, 43, 5 and 11; 4, 44, 4; 5, 12, 9; 10, 7, 2; 22, 60, 15; 27, 6, 3; 27, 8, 9; 27, 38, 3; 34, 2, 10; 34, 42, 5; 39, 25, 6; 39, 48, 3; 42, 41, 13; *ius appellationis* 42, 34, 15; *ius foederis,* 'rights arising from treaty' 23, 10, 12; 30, 42, 10; 34, 32, 16; 36, 27, 5; 38, 9, 10; 42, 25, 7; *eadem vi eodemque iure* 1, 43, 10; *ius sacerdotii* 27, 8, 8 and 10; *ius regni* 1, 49, 3. The following are examples of a similar nature construed with gerunds and gerundives 2, 24, 7; 5, 55, 3; 8, 1, 8 (*belli ferendi*); 8, 4, 8; 9, 30, 10; 10, 23, 9; 23, 3, 3; 26, 24, 13; 26, 33, 10 and 11; 31, 8, 6; 33, 42, 1; 34, 7, 2; 34, 56, 13; 35, 51, 5; 38, 34, 2; 38, 38, 3, 7, 10, 12 and 16; 39, 23, 7; 40, 42, 13; 42, 62, 12; 45, 15, 2. *Ius* equal to 'right' or 'privilege': 32, 13, 6; 34, 58, 3.

iii. ABSTRACT RIGHT, JUSTICE, JUSTNESS OF A THING

1, 26, 12; 1, 56, 7; 8, 24, 11; 9, 11, 7; 21, 10, 9; 21, 31, 6; 36, 32, 3; 41, 24, 16; 45, 19, 6 (one reading is *vero* instead of *iure*). In phrases: *iure an iniuria* 2, 54, 7; 21, 18, 6; 39, 36, 16; *ubi ius ubi iniuria opus sit* 2, 3, 3; *inique an iure* 39, 48, 2; *iure ac merito* 26, 41, 3; 27, 13, 10; *iusto iure* 21, 3, 4; also *ius ferre* as the opposite to *ius reddere* 3, 34, 1.

2. AUTHORITY, LAW, GOVERNMENT

i. AUTHORITY FLOWING FROM OFFICIAL POSITION

2, 1, 8 (cf. 4, 3, 9); 2, 35, 3; 2, 56, 11 and 12; 3, 9, 5 and 12; 3, 11, 2; 3, 13, 6; 3, 33, 10; 3, 38, 10; 4, 7, 3; 4, 8, 2; 4, 24, 4 and 8; 8, 34, 6; 9, 9, 9; 9, 26, 9; 22, 31, 9; 24, 8, 7; 27, 11, 11; 32, 22, 3; 34, 32, 2; 38, 48, 7. *Ius* for a special purpose: 45, 25, 8. In phrases: *ius de tergo vitaque* 2, 29, 12; *vim ac ius magistratui dempsisset* 26, 12, 8 (cf. 2. iii. d); the censors would add to their office *ius maiestatemque* 4, 8, 5 (cf. 1. i. a. 1); *ius imperiumque* 22, 27, 6; *ius imperii* 22, 25, 16; 22, 26, 7; 30, 24, 3; 30, 40, 13; 33, 23, 3; *ius ac potestas* 25, 7, 1, where Marcellus apparently proconsul, says to grant a certain request of the soldiers was *nec iuris nec potestatis suae.* When Varro and Paulus had been elected consuls, Fabius said (22, 39, 3) that bad counsels would have *idem iuris ac potestatis* as the good. The dictator Camillus claimed (5, 49, 2) that the agreement with the Gauls was made by a magistrate *inferioris iuris,* i. e. the dictator had *maior potestas.* Cf. for similar substitution of *ius* for *potestas, patrio iure* 1. i. a. 1; ib. for combination *ius potestatemque; iure potestatis* 29, 20, 11; *ius et officium,* reciprocal terms 'authority and duty' 38, 53, 5; *consulem . . . cuius iuris atque arbitrii res esset* 24, 37, 9.

ii. LAW AND AUTHORITY, GOVERNMENT

In 23, 10, 2 Hannibal promised that the Romans should seek *iura* from Capua and that Capua should soon be the capital of Italy. For the Romans *iura* means 'laws,' for Capua 'authority.' Cf. the phrase *ius condicioque* (23, 5, 11) where it is said that Hannibal's soldiers were *expertem omnis iuris et condicionis et linguae prope humanae,* 'unfamiliar with all law (authority or restraint) and binding

compact and almost unfamiliar with human speech.' Cf. also 1, 2, 4 *ut . . . nec sub eodem iure solum sed etiam nomine essent.*

iii. LAW

a. Ius, Lex, and the Twelve Tables

The twelve tables are called both *iura* and *leges.* In 3, 33, 5 the *nova iura* which are to be put in order by *peritos legum perigrinarum,* refer to the future twelve tables. They are again and again referred to as *leges,* e. g. in 3, 31, 7 the tribunes suggested that if the plebeian *leges* were displeasing, they should jointly select *legum latores* and from this suggestion the decemvirs were decided upon. In 3, 34, 3 the decemvirs claim *iura aequasse* for high and low in so far as they could. *Iura* does not mean 'rights,' that would be manifestly untrue. The decemvirs claim to have made the laws or the authority of the state, organized as it was, with legal distinctions of orders and classes, operative upon all alike. Appius Claudius, the most prominent decemvir, who is expressly mentioned as the author of the provision in the twelve tables which had to do with ad interim rights of one claimed as a slave but previously regarded as free, is called (3, 58, 2) *legum latorem conditoremque Romani iuris.* That *iura aequasse* in 3, 34, 3 refers to the equalization of the laws is borne out by *aequandarum legum,* in the following:

> 3, 67, 9 auxilium tribunicium, provocationem ad populum, scita plebis iniuncta patribus, sub titulo aequandarum legum, nostra iura tulimus et ferimus.

In 34, 6, 8 the question is asked whether the *lex Oppia* is a *regia lex* or whether it was written by the decemvirs appointed *ad condenda iura.* They were also appointed (3, 39, 8) *legum ferendarum causa.*

Clark[1] remarks that "*iura* are distinguished from *leges* as being said *condi*" which he thinks means "the putting into order of existing matter rather than the creation of new or the imposition of either."[2] *Statuere* is also used with *iura;* so in 9, 20, 10 the Antiates, who were *sine legibus certis,* were given *patroni* by the senate *ad iura statuenda.* The significance of Clark's statement would be that these *iura* were still *iura* when they came from the hands of the decemvirs, but when they were brought before the people, *legum ferendarum,* and passed, they became *leges.* He however (p. 22) calls *iura* in Livy 3, 33, 5 "statutes." Let us examine the following passages:

1) In 8, 28, 1 it is said that *nexum* ceased and that the law, *ius,* was changed by the *lex Poetilia.*[3] This *ius* was a provision or was based upon a provision in the twelve tables. Laws regulating interest rates had been passed previous to 326 B. C.[4] and they may have affected this *ius.*

2) It is said of Romulus: 1, 8, 1 *multitudini quae coalescere in populi unius corpus nulla re praeterquam legibus poterat, iura dedit.*

3) Legal provisions had been made, which must be complied with, before the allies could attain Roman citizenship. Clever evasions were devised. Finally, as Livy says: 41, 8, 11 *his quoque imaginibus iuris spretis, promiscue sine lege, sine stirpe, in civitatem Romanam . . . transibant.*

4) Regarding the provision in the Valerian and Horatian laws, which guaranteed sacrosanctity, is the statement: 3, 55, 8 *hac lege iuris interpretes negant quemquam sacrosanctum esse.*

5) A law had been passed, which permitted the election

[1] Jurisprudence, p. 22.

[2] But cf. 3, 34, 1, *legibus condendis opera dabatur.*

[3] Of the year 326 B. C.

[4] See 7, 21; 7, 27; 7, 42.

of consular tribunes to take the place of consuls and to this office plebeians were eligible, though for some years they did not secure election. The tribunes complained:

4, 35, 11 nec se vidēre, cur non lex quoque abrogetur, qua id liceat, quod numquam futurum sit; minorem quippe ruborem fore in iuris iniquitate quam si per indignitatem ipsorum praetereantur.

6) The decemvirs created (3, 39, 8) *legum ferendarum causa* left *nihil iuris* in the state.

7) When the tribunes, Licinius and Sextius, were urging their laws in spite of the *intercessio* of their colleague, it is said: 6, 38, 5 *quanto iure potentior intercessio erat, tantum vinceretur favore legum ipsarum.*

With regard to 2), it may be said that *iura* seem to refer to and to fill the purpose of *legibus,* and Livy quite properly, as it appears, speaks of law imposed by a king as *iura* and not *leges.* If these *iura* refer to the *leges regiae,*[1] we must probably conclude that the historian is thinking rather of the imposition of authority by the king than of the assent by the people. In all the other cases *ius* is more comprehensive and more indefinite than *lex.* The latter always refers to distinct and special enactments. A *lex* may create legal rights and duties or relationships. When a right is created by a law, it easily passes over and becomes the embodiment of that law, as in 3). This distinction will hold good, for the most part, that *ius* in the singular, meaning law, is abstract, indefinite and collective while *lex* is concrete, definite and individual. This fact is further supported by the statement in 9, 33, 9. Sempronius said that the *lex Aemilia* bound certain censors because it was passed after their election and whatever the people had passed (*iussisset*) last, *id ius ratumque esset.*[2]

[1] Cf. Bruns, Fontes Iuris Romani Antiqui.
[2] Cf. 9, 34, 6.

Holland [1] points out the ambiguity of *ius,* Recht, and droit, that they mean 'law,' 'rights,' 'justice.' It is to be expected that the exact shade of meaning will often be difficult to determine.

Occasionally *ius* and *lex* are coordinated, as 33, 33, 7 *ubique ius, fas, lex potentissima sint,* 'human law, divine law, and civil enactment.' When Numa obtained the kingship of Rome, he prepared (1, 19, 1) to found anew, *iure legibusque ac moribus,* the city which had been founded *vi et armis.* Livy is evidently thinking here of the sources of law of a later time.[2]

b. Ius and Fas, Ius Divinum, Ius Humanum

For *ius* and *fas,* 'law human and divine,' see 1, 2, 6; 3, 55, 5; 7, 6, 11; 7, 31, 3; 8, 5, 8; 8, 10, 1; 8, 39, 13; 27, 17, 13; 30, 31, 5; 32, 21, 23; 33, 33, 7; 40, 15, 5; 42, 21, 3; 45, 33, 2.

Ius divinum and *ius humanum* are used together in 1, 18, 1; 31, 24, 18; 31, 30, 4; 39, 16, 9. *Ius divinum* is found in 1, 20, 6; 1, 42, 4; 39, 16, 7. For *ius humanum* alone see 5, 37, 4; 9, 1, 8 and 41, 24, 10. *Ius divinum* has to do with public and private *sacra* according to Livy's use. It is the norm by which the acts of men, which have a bearing upon worship and reverence for the gods and their sanctuaries, are regulated. It is objective and not subjective. In 3, 25, 8 *deorum hominumque simul violata iura exsequemur,* the expression *deorum hominumque,* is equivalent to *divina humanaque.* The violation of the *iura deorum* was in breaking the subsisting treaty and the consequent disregard of the oath sworn to the gods. The violation of the

[1] Jurisprudence, p. 14.

[2] Cf. also 4, 15, 3 *natus . . . inter iura legesque* and 30, 37, 10 *iura, leges, mores vos me oportet doceatis.*

iura hominum was the refusal to receive envoys.[1] In 31, 30, 4-6 it is implied that the *iura humana* should protect the graves and bones of the dead and that the *iura divina* should guard the temples and shrines of the gods. In 35, 51, 2 temples are said to be *iure sancto*. In 9, 1, 8 the Romans refused to make any terms of peace with the Sabines and are said to be breaking *ius humanum*. Again the refusal of the Athenians (41, 24, 10) to permit any intercourse whatsoever, even in normal, peaceful times, with Philip, is said to constitute *dissertio iuris humani*.

It would be fairly accurate to render the expression 'the law of God' by *fas*. *Fas* denotes the will of the gods. *Ius divinum* is the correlative of *fas* and denotes the duty toward the gods which men owe. *Ius humanum* is the antithesis of *ius divinum* and denotes the duty of man toward man or the natural rights of men, independent of positive law. It does not seem to embrace any portion of positive law or rights thus protected. *Ius naturale* is a broader term.[2] In two instances *ius humanum*, or *ius hominum*, seems to refer to *ius gentium*. The one in 3, 25, 8 regarding the refusal to receive envoys, has already been referred to. The other is in 5, 37, 4. The envoys to the Gauls are said to have acted *contra ius gentium* in taking up arms and are called violators of the *ius humanum*.

Livy affords an interesting substitution, apparently,[3] of *lex* for *ius* in 1, 28, 11. Mettius, because he deserted, was tied to two four-horse chariots and torn apart. This is called *supplicium . . . exempli parum memoris legum humanarum*. Thus the *ius humanum* in Livy contains a philosophic concept.[4]

[1] Cf. under *Ius Gentium*, The Right of Embassy, p. 292.
[2] Cf. Holland, Jurisprudence, pp. 30-33.
[3] Cf. Tacitus, A. I, 42 *fas gentium*.
[4] Cf. Cicero, De Leg. 1, 6 and 1, 15.

c. Ius Publicum and Ius Privatum

No exact definition can be given of Livy's use. In 2, 55, 8 *ius publicum* may be taken to refer to the consul's right to enforce his decrees and *ius privatum* may refer to a citizen's right to appeal (*provocatio*). The *ius publicum* then would denote the exercise of authority of the state through its representatives, while *ius privatum* is the law which protected a private right. The former belongs to public substantive law, the latter to adjective law. In 3, 34, 6 Livy says that the twelve tables became *fons omnis publici privatique iuris.*[1] In 41, 18, 16 a denial was made by those *periti religionum iurisque publici* that a consul *suffectus* could hold the election.[2] It may be noted that Livy does not use *ius publicum* as the equivalent of *lex publica,* a law passed by the people.[3]

d. Other Uses of Ius

'Properly,' 'in due order': 5, 18, 2; 8, 24, 11. 'Practice': 1, 17, 9; 1, 35, 5. 'Sanction': 9, 34, 10, 11 and 12; 27, 6, 3. 'Legally' or 'lawfully': 3, 38, 13; 3, 55, 9; 8, 10, 13; 27, 21, 10; 31, 44, 8; per. 59. 'Law': 3, 45, 2; 4, 4, 11; 9, 20, 10; 9, 46, 5; 10, 22, 7; 27, 8, 9; 34, 3, 5; 35, 16, 2. In phrases: *controversias inter se iure ac iudicio disceptanto* 38, 38, 17. This was a provision in the treaty of the Romans with Antiochus designed to protect the rights of Roman allies in their disputes with the subjects of Antiochus. It probably does not refer to the Roman procedure *in iure* and *in iudicio* but *iure* means 'according to law' as opposed to *vi* or *armis,* and *iudicio* means 'by court procedure' and may have reference to arbitrators or *re-*

[1] Cf. 45, 18, 4.

[2] For another meaning of *ius privatum* see 25, 18, 5 and 9.

[3] Cf. Gaius, 2, 104.

cuperatores as Weissenborn suggests; *se iure grassari non vi* 3, 44, 8; *nec certamen iuris sed vim quaeri appareret* 21, 6, 2; *iure agere* 1, 52, 2; 3, 49, 3; *aequo iure agi* 6, 37, 4;[1] *scientia iuris* 39, 40, 5; *si ius consuleres* 39, 40, 6; *creditae pecuniae iuris* 6, 27, 10. Cf. 2, 27, 10; 6, 31, 4; 35, 7, 3 and 5, which seem to refer to statutes on money lending. Cf. also 6, 18, 14. *Muliebria iura* (34, 3, 1) statutes regulating the conduct of women, particularly in matters of dress and ornaments; *ius dicere, ius reddere, ius dare,* to render judicial decisions: 1, 41, 5; 3, 33, 8; 3, 36, 6; 3, 46, 3; 3, 47, 4; 3, 52, 7; 6, 18, 14; 6, 42, 11; 7, 1, 6; 10, 22, 7; 23, 32, 4; 25, 12, 10; 28, 24, 10; 34, 48, 2; 34, 61, 15; 35, 21, 1; 38, 42, 5; 39, 45, 4; 41, 20, 1; 42, 22, 7; 42, 28, 6; 45, 12, 13; *iuris dictio*: 6, 32, 1; 23, 32, 4; 30, 1, 9; 43, 15, 2; 44, 17, 9; 44, 21, 4; *de iure dicto aut non dicto* 39, 47, 2; *ius pontificum* 30, 1, 5; 40, 29, 7; *ius fetiale* 9, 9, 3; 38, 46, 12; *praefectum iuris* 3, 33, 8; cf. *praefectum ad iura reddenda* 26, 16, 10.

iv. COURT

1, 26, 5; 2, 27, 8; 3, 44, 8; 4, 9, 6.

3. INTERNATIONAL LAW

i. IUS BELLI

The law of war, in the modern sense, regulates the violence of belligerents and the relationships of belligerents with neutrals, seeking in various ways to mitigate the harshness of warfare. There is only one passage in Livy that directly speaks of warfare regulated in this manner: 5, 27, 6 *sunt et belli sicut pacis iura, iusteque ea non minus quam fortiter didicimus gerere.* These words were spoken by Camillus to the *magister* of the children of the Faliscans,

[1] Cf. under 1, i, a, 1.

who had brought the children treacherously into the Roman camp. On the other hand when the Etruscans were being tried in a *iudicium populi* the tribe Pollia voted that the men should be scourged and put to death and their wives and children should be sold as slaves *lege belli*.[1]

In a broad sense the *ius belli* gives the conquerer the right of control over the conquered peoples: 33, 40, 4; 34, 58, 10; 38, 38, 16; 39, 29, 2. This fact may be restated and loosely defined as follows: The conquerer may impose terms of peace upon the vanquished, 9, 3, 11; the property of the conquered constitutes legitimate spoils of war, 3, 71, 7; 9, 1, 5; 25, 40, 1; 26, 31, 9.[2] Marcellus was the first to strip a city of its ornaments and carry them off as spoils of war to decorate Rome. He justified all his acts by the *ius belli*. Fulvius refers to the act of Marcellus as a precedent for the *ius belli* which he exercised in Ambracia, 39, 4, 12; the lives of the captives are forfeited to the captors, 1, 1, 1; 2, 12, 14; the enemy, while fighting, may be slain to a man, 28, 23, 1; what is done in accordance with the *ius belli* does not come under civil review, 39, 36, 12; Alorcus, 21, 13, 9, urged the people of Saguntum to surrender rather than suffer themselves to be slaughtered and their wives and children to be ravished and dragged away into captivity. It is possible that this last passage imputes cruelty by way of slander to Hannibal, and that he is represented as exercising a code of war all his own. Compare 23, 5, 11, where his soldiers are declared to be *expers omnis iuris*.

It is clear that *ius belli* means, for the most part, rights arising from conquest, on the one hand, and on the other, that authority to which the vanquished must submit, rather than rules regulating the conduct of war; so 31, 30, 2 *esse*

[1] See 8, 37, 11.

[2] Cf. *iure praedae*, 38, 34, 6.

enim quaedam belli iura ut facere, ita pati sit fas. The *ius belli* is constantly appealed to, to justify those acts of cruelty frequently complained of, and it does not seem to imply any well recognized limitations, save in the first example cited. That *ius belli* was interpreted as denoting a law of war, is supported, however, by the apparent substitution in two cases of *lex* for *ius*. One in 8, 37, 11 (p. 290) has already been cited. The other is in 7, 10, 6 where Titus Manlius and the Gaul were matched *spectaculi magis more quam lege belli;* so ἀντίπαλοι and ἰσόπαλοι i. e. they were not equally matched antagonists.[1]

ii. IUS GENTIUM.[2]

Hunter says: "Two distinct uses of the expression *ius gentium* are to be discriminated.

"First, the Roman jurists define *ius gentium* as comprising the principles of right and wrong recognized in the laws of all peoples or bodies of men politically organized . . .

"Second, the original *ius gentium* was the practical outcome of the necessity that pressed upon the Romans to provide rules of law for the settlement of disputes between Roman citizens and aliens and between aliens and aliens. It was that portion of the Roman law that grew up typically and chiefly in the edict of the alien praetor."

Clark makes this summary of Austin's view: "The *ius gentium* of the early Roman lawyers was the common law

[1] *Lex belli* is used in the Roman literature five times besides these two passages—in the Ciris 1. 447; Cic. Verr. 1, 57 and 2, 50; Leg. Agr. 2, 40; Deiot. 25.

[2] Grotius, *De Iure Belli et Pacis*, 2, 3, 5; 2, 8, 1-2; Austin, Jurisprudence, vol. 2, 567-594; Clark, Jurisprudence, 180, 340-363; Hunter, Roman Law, 35-36; Nettleship, Contributions to Latin Lexicography, 500 ff.

of the communities composing the Roman world as distinguished from the particular systems which were respectively peculiar to those several communities or gentes. But the *ius gentium* occurring in Justinian's compilations and also in the institutes of Gaius, is the natural or *divinum ius* which occurs in the writings of Cicero and which Cicero himself as well as the classical jurists, who probably were influenced by his example, borrowed from the Φυσικὸν Δίκαιον or natural rule of right conceived by Greek speculators on law and morals. And this latter *ius gentium* or *ius naturale* has little or no connexion with the former."

Clark's own idea[1] is that the *ius gentium* of Cicero is a "philosophical idea" or "philosophic ideal," a *ius naturae* the idea and expression of which was borrowed from the Stoics. This theoretical idea passed into a practical one with the great jurists. They found the *ius civile* in its wider sense opposed to the philosopher's law of nature or of nations, with its high ideals of justice and benevolence. These views were too vague to occupy the attention of practical jurists. The theoretical *ius gentium* therefore became more and more identified with parts of existing systems in general, and in particular, with that part of the Roman system which turned from the old natural rules towards reasonableness and equity."

Turning to Livy we find a different group of conceptions. In his writings the *ius gentium* embraces the following principles:

1) The Right of Embassy:

21, 10, 6 legatos ab sociis et pro sociis venientes bonus imperator vester in castra non admisit, ius gentium sustulit.[2]

In 6, 17, 8 this is called *ius legationis* and is declared not to apply between citizens but is for foreigners.

[1] See pp. 357 ff.

[2] Cf. 10, 12, 2.

2) The Inviolability of Envoys: this is the most frequently mentioned *ius gentium* in Livy. Postumius, upon being delivered up to the Samnites, struck the fecial, saying:

9, 10, 10 fetialem a se contra ius gentium violatum; eo iustius bellum gesturos.[1]

3) Envoys Must Refrain from Hostilities:

5, 36, 6-9 iam urgentibus Romanam urbem fatis, legati contra ius gentium arma capiunt. . . . vicere seniores ut legati prius mitterentur . . . postulatumque ut pro iure gentium violato Fabii dederentur . . . et ius postulare barbari videbantur.[2]

4) It Is Lawful to Repulse Incursions:

42, 41, 11 sin autem hoc et ex foedere licuit et iure gentium ita comparatum est ut arma propulsentur . . .

5) War Should Be Conducted in accordance with the Ius Gentium:

38, 45, 11 tu vero recte, ut diis immortalibus honos habeatur, postulas, primum quod pro temeritate imperatoris, nullo gentium iure bellum inferentis, poenas luere exercitum noluerunt.

What this *ius gentium* was, is also suggested:

38, 45, 6-7 de omnibus his (bellis) consultum senatum, populum iussisse, per legatos ante res repetitas, postremo, qui bellum indicerent missos, quid eorum Cn. Manli, factum est, ut istud publicum populi Romani bellum et non tuum privatum latrocinium ducamus?

6) Refraining from Hostilities during the Time of a Truce:

40, 27, 7-9 Q. Fulvius Flaccus . . . fraudem hostium incusans, qui, pace petita, indutiis datis, per ipsum indutiarum tempus contra ius gentium ad castra oppugnanda venissent . . .

[1] Cf. 2, 4, 7; 2, 22, 4; 3, 2, 6; 4, 17, 4; 4, 19, 3; 4, 32, 5 and 12; 8, 5, 2; 8, 6, 7; 38, 25, 8; 39, 25, 10.

[2] See also 6, 1, 6. In 5, 37, 4 this *ius gentium* is called *ius humanum*. Cf. page 287.

The Carthaginians had collected some Roman ships which were scattered along the shore:

30, 25, 2 iniuriam ratus Scipio . . . et fidem indutiarum violatam esse, legatos Carthaginem . . . misit.

On their return they were pursued by a portion of Hasdrubal's fleet.

30, 25, 10 quibus Scipio, etsi non indutiarum modo fides a Carthaginiensibus sed ius etiam gentium in legatos violatum esset . . . bellum parabat.

The *fides indutiarum* of 30, 25, 2 seems to correspond closely with the *ius gentium* of 40, 27, 9.

7) Seeking Restitution:

1, 14, 1 propinqui regis Tatii legatos Laurentium pulsant, cumque Laurentes iure gentium agerent, apud Tatium gratia suorum et preces plus poterant.

8) A Nation Should Keep Its Compacts:

9, 11, 9 ut quidem tu quod petisti per pactionem, habeas, tot cives incolumes, ego pacem, quam hos tibi remittendo pactus sum, non habeam, hoc tu A. Corneli, hoc vos, fetiales iuris gentibus dicitis?

9) Primogeniture: Perseus, when speaking to his brother of the latter's ambition to inherit the kingship of Macedonia, said: 40, 9, 8 *huic spei tuae obstat aetas mea, obstat gentium ius, obstat vetustus Macedoniae mos.*[1]

10) Inheritance:

40, 17, 4 Masinissa paterni regni agrum se et recipisse et habere gentium iure aiebat.

Here also should be cited the following passages used on the occasion of the proposal of the *lex Canuleia,* which was to permit the intermarriage of patricians and plebeians: 4, 1, 2 *rogationem promulgavit, qua contaminari sanguinem suum patres confundique iura gentium rebantur;* 4, 4, 4

[1] See also 21, 31, 6; 40, 11, 7; 40, 12, 13.

quis dubitat quin . . . nova . . . iura gentium hominumque instituantur?

When the proposal was made to throw open the consulate to the plebeians, the following objection was made: 7, 6, 11 *deletum cum duce exercitum documento fuisse, ne deinde turbato gentium iure comitia haberentur.* Gentium here means families and the *iura gentium* refers to the well known superior rights of patrician families.

The *ius gentis* 'right of descent' entitles one to succeed to his father's power. It has nothing to do with *ius gentium* though such rights are protected by the *ius gentium* as may be observed in 9 and 10.

29, 29, 8 ceterum cum magis iure gentis quam auctoritate inter suos aut viribus obtineret regnum, extitit quidam . . . familiae . . . de imperio . . . certantis.

The technical expression *ius gentium* does not appear as *iura gentium* nor as *ius gentis,* at least, in Livy.[1]

Thus it is clear that Livy's use of the term *ius gentium* does not fall in line with the statements of Hunter and the others, given at the beginning of this discussion. Nos. 9 and 10 may be said, in a way, to correspond to what Hunter gives as the first use, but they find no place in this particular application, at Rome. They represent, in fact, a transfer of rights recognized in private law, to public persons. They approach what Holland[2] calls "Antecedent international rights."

In Livy's conception of *ius gentium* there is trace of a philosophical idea[3] but there is not the slightest hint that the peregrine praetor administered a body of laws or de-

[1] Cf. however, 30, 32, 2 *Roma an Carthago iura gentibus daret,* which, of course, is not *iura gentium.*

[2] Jurisprudence, p. 374.

[3] Cf. *ius humanum* in 9, 1, 8 and the discussion of *ius divinum* and *ius humanum* on pp. 286-287.

crees differing in any way from those administered by the city praetor.[1]

Maine (Ancient Law, p. 50) says: "It is almost unnecessary to add that the confusion between *ius gentium* or law common to all nations, and international law, is entirely modern. The classical expression for international law is *ius fetiale* or the law of negotiation and diplomacy." In the Abdy-Kent 'International Law' we find the statement (p. 21) that "neither in the fecial law, whatever that was, nor in the *ius gentium* do we find the germs of the modern system of international law."

The first eight principles do, however, belong to what we in modern times understand as international law. The attempted explanations of *ius gentium* and the specific denial by Maine and by Abdy-Kent that *ius gentium* has anything to do with modern ideas of international law, seem to be based upon Cicero largely, and without consideration of Livy at all.

Under the division of "Antecedent rights of nations in personam" Holland (p. 379) says such rights are almost wholly contractual. He further says: "The law of international agency deals with the functions, privileges, and ranks of ambassadors and other public ministers." Under this division belong nos. 1, 2, 3, and 8. Under the adjective law of nations Holland discusses "belligerency" "steps short of war" "war" and "the conduct of warfare." Here belong nos. 4, 5, and 7 of Livy's principles of the *ius gentium*.

[1] This, however, does not lend any particular support to Clark's theory, Jurisprudence, p. 347, that the "Roman Law was administered by both praetors *mutatis mutandis* where *peregrini* were concerned." Cf. also Clark's "Sources of Roman Private Law," p. 152. In a future article I hope to show that a part of Clark's proof for this is not well taken.

Regarding the *ius fetiale,* it was observed above that Maine and Abdy-Kent disagree. Maine holds that *ius fetiale* is international law and Abdy-Kent denies it. Nettleship[1] says: "But I find no evidence that *ius gentium* was ever used in reference to the *ius fetiale.*"

Livy does afford considerable information regarding the fecials and we are able to make out that the fecials performed the functions of protesting and of seeking restitution, of declaring war, of signing treaties and probably of interpreting them; of passing upon the guilt or innocence of those accused of violating the rights of foreign representatives, and of serving as extradition officers.[2] We should expect, as Maine says, that *ius fetiale* would embrace the rules of international law properly speaking, in part, as they were known at that time. *Ius fetiale* could scarcely have covered the range of substantive international law and seems to have embraced the adjective law only. Not much can be gained from Livy's use of the term. There are three passages where it is used:

1, 32, 5 ius ab antiqua gente Aequiculis, quod nunc fetiales habent, descripsit, quo res repetuntur.

9, 9, 3 nam quod deditione nostra negant exsolvi religione populum, id istos magis, ne dedantur, quam quia ita se res habeat, dicere, quis adeo iuris fetialium expers est qui ignoret?

In the other case, Gnaeus Manlius, after the defeat of Antiochus, had penetrated so far as the Gallogrecians and had defeated them. No formal declaration of war through fecials had been made nor authorized by the senate and people. Consequently the insinuation was made, 38, 46, 12, that he wished *tolli fetialia iura.* This refers to the rights

[1] Journal of Philology, vol. 13, 169-181.

[2] Cf. C. Roy, Les Fétéaux du Peuple Romain.

of fetials and not to law administered by them.[1] But the rights of fecials must have been to carry out the *ius fetiale.* The *ius fetiale* then in Livy embraces three principles:

1) The Right of Negotiation.

2) The Proper Method of Declaring War.

3) Extradition of Offenders that the Romans May Escape Religious Obligations.

No. 1 corresponds to the *ius gentium* no. 7, and no. 2 coincides with no. 5 of the *ius gentium.*

The common statement of writers then, that *ius gentium* does not refer to international law is based upon insufficient testimony. Both *ius gentium* and *ius fetiale* may refer to international law and while, as Nettleship says, *ius gentium* may never be used in reference to the *ius fetiale,* the two may sometimes coincide.

[1] Cf. 38, 45, 11 *nullo gentium iure bellum inferentis.*

II. PRECEDENT AND CUSTOM

The following quotation will illustrate the subject here under discussion. When the censors had ordered seats set apart from the rest for the senators at the theatre, there was considerable indignation on the part of the people:

34, 54, 7-8 novam, superbam libidinem, ab nullius ante gentis senatu neque desideratam neque institutam, postremo ipsum quoque Africanum, quod consul auctor eius rei fuisset, paenituisse ferunt. Adeo nihil motum ex antiquo probabile est; veteribus nisi quae usus evidenter arguit, stari malunt.

Greenidge[1] in speaking of the authority which Cicero exercised in putting to death the leaders of Catiline's conspiracy, says: "One's attention naturally turns in the first place to the question of precedent which justified so much in Rome."[2]

The terms employed, are for the most part *exemplum, mos* or *mos maiorum, consuetudo,* and *institutum.* The discussion and comparison of terms is reserved until the close of the chapter. Occasionally the precedent is implied rather than expressed in any particular word or words. The subject admits, roughly of three divisions, though lines of distinction are not always well made out. The precedents are of such a varied character that a general title for each division is difficult to suggest.

[1] The Legal Procedure of Cicero's Time, p. 404.

[2] A fuller discussion of this subject is reserved for a later time in order that there may be an opportunity for wider investigation in other writers. An attempt is made here merely to present and classify specific instances of precedent and custom and to show their influence and tendency as regards *ius.*

1. PRECEDENTS OF VARIED CHARACTER

These are general and unimportant save to illustrate the scope of the subject.

1) For Cognomen from the Conquered People:

30, 45, 7 primus certe hic imperator nomine victae ab se gentis est nobilitatus; exemplo deinde huius nequaquam victoria pares insignes imaginum titulos claraque cognomina familiarum asciverunt.

2) For Unchastity: 1, 58, 10 *nec ulla deinde impudica Lucretiae exemplo vivet.*

3) For the Proper Conduct of an Office: 39, 5, 2 *ne suas quidem simultates pro magistratu exercere boni exempli esse.*

4) For the Public Appearance of Women: 34, 2, 4, the women came forth from their homes and lobbied for the repeal of the Oppian bill. At this Cato was greatly offended: *ego vix statuere . . . possum utrum peior ipsa res an peiore exemplo agatur.*

5) Social Custom: 40, 47, 5, envoys of Certima are said to have come to Gracchus and were served with wine. After they had drunk the first cups of it they asked for more. The bystanders laughed loudly at men so ignorant *moris omnis.*

6) The Sacrum Novendiale: 30, 38, 9, when it rained stones on the Palatine, the prodigy was expiated *more patrio.*[1]

7) Seeking Restitution: 4, 30, 14 *cum more patrum repeterent res.*[2]

8) The Number in a Legion: 42, 31, 2 *quina milia et duceni pedites ex vetere instituto darentur in singulas legiones.*

[1] Cf. 1, 31, 4 for the institution of this custom.

[2] Cf. 1, 32, 5. See pages 294 and 297.

9) Prolonging the Time for the Repair of Buildings: 45, 15, 9 (*censoribus*) *petentibus ut ex instituto ad sarta tecta exigenda et ad opera, quae locassent, probanda anni et sex mensium tempus prorogaretur.*

Whether or not a *ius* did or might arise from such precedents, it is clear that it would be of a different quality and force from the *ius* arising from examples in the following divisions.

2. QUESTIONS OF GENERAL POLICY

1) For Enlarging the Citizenship of the State: 8, 13, 16, it was in accordance with the *exemplo maiorum* to build up the state by admitting conquered peoples to citizenship.

2) For Ransoming Prisoners: 22, 60, 7, to ransom prisoners was contrary to the *mos maiorum.*

3) The Treatment of Conquered Kings: 33, 12, 5, the Aetolians demanded the death or banishment of Philip but this was declared not to be in accord with the *mos Romanorum.*

4) Discussions between the Senate and Foreign Envoys: 30, 22, 5, an opportunity was given to the senate, *more tradito,* to question the envoys of Carthage.

5) Supplying Rome with Soldiers: 8, 4, 7, it had been a custom for more than two hundred years for the Latins to furnish soldiers to the Romans.

6) The exercise of the Roman Imperium: it was a *mos vetustus* to exercise no imperium over those with whom they had no treaty relations, except under the following conditions: 28, 34, 7 *omnia divina humanaque dedidisset, obsides accepti, arma adempta, praesidia urbibus imposita forent.*

7) For the Sending out of Ten Envoys: 33, 24, 7 *decem legati more maiorum, quorum ex consilio T. Quinctius im-*

perator leges pacis Philippo daret, decreti . . . This was in the year 197 B. C. At the conclusion of the war with Antiochus it is said:

37, 55, 4 auditae deinde et aliae legationes ex Asia sunt, quibus omnibus datum responsum, decem legatos more maiorum senatum missurum ad res Asiae disceptandas componendasque.

The first account of such an arrangement is given in 30, 43, 4, where Scipio is assisted in making terms of peace with Carthage by *legati,* on whatsoever terms they should be pleased to prescribe. Mommsen[1] gives to these commissioners the title "Zehnergesandtschaften zur Friedensregulirung." Willems[2] says: "La paix étant conclue avec une nation extra-italique, le sénat envoie chez elle une commission composée d'ordinaire de dix sénateurs (legati) . . . pour présider à l'entière exécution des conditions convenues." After the very next foreign war the *legati* were sent *more maiorum* as Livy says. Either the single precedent of 202 B. C. established a *mos maiorum* by the year 197, or Livy was somewhat inaccurate and had in mind other and dissimilar embassies.

8) The Relief of Debtors: 2, 30, 1, the measures of relief proposed by Larcius for the succor of all debtors would, it was thought, destroy all credit and so were *exemplo haud salubres.*

9) Partisan Political Prosecution: 5, 29, 7, it was by *pessimo exemplo* that the tribunes were prosecuted and fined by other tribunes, because they had supported the cause of the senate.

10) Interference by the Soldiers with the General's Plan: 7, 14, 1, the soldiers of the dictator Sulpicius were

[1] Staatsrecht, 2, 1, p. 672.
[2] Le Droit Public Romain, 220.

impatient at not being led to battle and sent Tullius to him to bear their remonstrances. Sulpicius thought this was an act *exemplo haud probabili* and he inquired *quaenam haec res sit aut quo acta more.*

11) Treatment of Greek States: 37, 53, 5 *vos modo id decere et conveniens esse ante factis dicent.* See also 37, 54, 27 *huic vestro exemplo quantum debeatis, videte, patres conscripti.*

12) Allies Support the Consul's Retinue: Lucius Postumius, as consul, was sent to Campania on state business. He despatched a letter to Praeneste ordering the chief magistrates to meet him and to provide lodgings at the public expense as well as means for conveying his baggage when he should depart. No consul before had put the allies to any trouble or expense. Especial provision had been made at Rome, that this should not be necessary.

42, 1, 8-12 ira consulis . . . et silentium . . . Praenestinorum ius, velut probato exemplo, magistratibus fecit graviorum in dies talis generis imperiorum.

Thus a *ius* was established by a precedent, *velut probato exemplo.*

13) Treatment of Those Who Have Surrendered:

42, 8, 5 deditos in fidem populi Romani, omni ultimae crudelitatis exemplo laceratos ac deletos esse, tot milia capitum innoxiorum, fidem implorantia populi Romani, ne quis umquam se postea dedere auderet, pessimo exemplo venisse.

14) Arrest of Strangers (at Carthage):

34, 61, 13 mali rem exempli esse de nihilo hospites corripi; idem Carthaginiensibus et Tyri et in aliis emporiis, quo frequenter commeent, eventurum.

15) Attitude toward Allied Kings: 37, 25, 8, it was the Roman practice (*consuetudo*) to augment the grandeur of allied kings.

16) The Reception of Envoys:

42, 26, 5 quaesitum ecquid ita non adissent magistratum, ut ex instituto, loca lautia acciperent, sciretur denique venisse eos et super qua re venissent.[1]

3. Constitutional Questions

1) Triumphs and Triumphal Processions: These may be regarded as a national institution. A somewhat elaborate body of rules grew up which governed them, and these were based upon precedents. When Lucius Cornelius Lentulus was proconsul in Spain he asked for a triumph:

31, 20, 3-5 res triumpho dignas esse censebat senatus, sed exemplum a maioribus non accepisse, ut, qui neque dictator neque consul neque praetor res gesisset, triumpharet . . . decurrebatur tamen eo, ut ovans urbem iniret, intercedente Ti. Sempronio Longo tribuno plebis, qui nihilo magis id more maiorum aut ullo exemplo futurum diceret.

This indicates that a triumph would have been granted had not precedent forbidden it.

The senate was disposed to refuse a triumph to Gnaeus Manlius for his victory over the Gallogrecians;

38, 50, 2-3 postero die et cognati amicique . . . summis opibus adnisi sunt, et auctoritas seniorum valuit, negantium exemplum proditum memoria esse, ut imperator, qui devictis perduellibus, confecta provincia, exercitum reportasset, sine curru et laurea privatus inhonoratusque urbem iniret.

Lucius Manlius, proconsul in Spain, asked for a triumph;

39, 29, 4-5 rerum gestarum magnitudo, impetrabilem faciebat, exemplum obstabat quod ita comparatum more maiorum erat, ne quis qui exercitum non deportasset, triumpharet, nisi perdomitam paratamque provinciam tradidisset successori.

A triumph was regularly granted by the senate. The

[1] Cf. 45, 20, 7; 45, 22, 2.

consul Postumius, 10, 37, 6, sought a triumph *moris magis causa quam spe impetrandi.* It was refused and he declared he would triumph *iure imperii.* He was opposed by some tribunes: 10, 37, 9 *inde inter tribunos plebis contentio orta; pars intercessuros, ne novo exemplo triumpharet, aiebant.*[1]

A triumph on mount Alba did not require authorization:

33, 23, 3 Q. Minucius temptata tantum relatione, cum adversum omnem senatum videret, in monte Albano se triumphaturum et iure imperii consularis et multorum clarorum virorum exemplo dixit.

42, 21, 7 (C. Cicereius) is expositis quas in Corsica res gessisset, postulatoque frustra triumpho in monte Albano, quod iam in morem venerat, ut sine publica auctoritate fieret, triumphavit.

2) Proper Procedure in Bringing Bills before the People:

45, 21, 4-6 praetor (say the tribunes) novo maloque exemplo rem ingressus erat, quod non ante consulto senatu, non consulibus certioribus factis, de sua unius sententia rogationem ferret, vellent iuberentne Rhodiis bellum indici, cum antea semper prius senatus de bello consultus esset, deinde ex auctoritate patrum ad populum latum, et tribuni plebis cum ita traditum esset, ne quis prius intercederet legi, quam privatis suadendi dissuadendique legem potestas facta esset, eoque persaepe evenisset, ut et, qui non professi essent se intercessuros, animadversis vitiis legis ex oratione dissuadentium intercederent, et qui ad intercedendum venissent, desisterent, victi auctoritatibus suadentium legem.

This passage relates to events of the year 167 B. C. In 339 B. C. the *lex Publilia* and in 287 B. C. the *lex Maenia* had provided that the *patrum auctoritas* should precede the action of the assembly. Livy knew of these laws,[2] but makes

[1] Cf. 3, 63, 11.

[2] See 1, 17, 9 and 8, 12, 15.

no reference to them here. He thinks only of the breaking of a long established custom and the setting up of a new precedent. So it seems that custom and precedent are quoted in preference to a *lex* or where a *lex* might have been quoted, in condemnation of the praetor's act, i. e. he quotes the *ius* rather than the *lex*.

3) The Mos Maiorum and the Consular Imperium: the failure of the consul Gaius Claudius, upon entering his consulship, to observe the *mos maiorum,* made his *imperium* open to suspicion. For his province he had received Istria and fearing lest negotiations might take it out of his hands, he set out before they could be completed, 41, 10, 5 *non votis nuncupatis, non paludatis lictoribus.* He ordered the former consuls to quit the province and they said:

41, 10, 7 tum consulis imperio dicto audientes futuros se esse dicerent cum is more maiorum, secundum vota in Capitolio nuncupata, lictoribus paludatis, profectus ab urbe esset.[1]

When Claudius summoned the quaestor and ordered fetters to be prepared for the consuls, the latter also refused to recognize the *imperium* of Claudius. We may note in this connection the complaint made at Rome when Flaminius left secretly for his province: 22, 1, 5 *duos se consules creasse, unum habere; quod enim illi iustum imperium, quod auspicium esse?*

4) The Decay of Custom and the Loss of a Right by Failure to Exercise it:

a) When a *flamen Dialis* claimed and assumed a seat in the senate, the praetor on putting him out said:

27, 8, 9 non exoletis vetustate annalium exemplis, stare ius, sed recentissimae cuiusque consuetudinis usu volebat; nec patrum nec avorum memoria Dialem quemquam id ius usurpasse.

[1] Cf. 41, 14, 7 *consulibus quo die magistratum inierunt, immolantibus Iovi singulis bobus uti solet.*

The inference seems to be that in two generations a constitutional right, through disuse, is extinguished.

b) One of the consuls proposed that the consular provinces be assigned by the senate instead of by lot and to this the other agreed: 37, 1, 9 *cum res aut nova aut vetustate exemplorum memoriae iam exoletae relata expectatione certaminis senatum erexisset . . .*

5) He Who Holds an Election Should not Himself Be Returned: the decemvirs, in order to prevent the election of Appius Claudius, put him in as presiding officer when the second set was to be chosen: 3, 35, 8 *ars haec erat, ne semet ipse creare posset, quod praeter tribunos plebi, et id pessimo exemplo, nemo umquam fecisset.*

A law was passed in the year 342 B. C., which forbade anyone to hold the same office twice within the space of ten years.[1] It was of wider application than this precedent in that it applied to all officers. When Fabius was holding the consular election and there was an evident desire to return him, he said: 10, 15, 11 *nunc se suam rationem comitiis, cum contra leges futurum sit, pessimo exemplo non habiturum.* In times of danger, however, both the precedent and the law were overlooked:

24, 9, 9-10 praesenti Fabio atque ipso comitia habente consulatus continuatus. Tempus ac necessitas belli ac discrimen summae rerum faciebant, ne quis aut in eam rem exemplum exquireret aut suspectum cupiditas imperii consulem haberet.

When Quintus Fulvius, dictator, was holding the consular elections, he would have been returned if the tribunes had not interfered:

27, 6, 4 neque magistratum continuari satis civile esse aiebant, et multo foedioris exempli eum ipsum creari qui comitia haberet.

[1] Cf. 7, 42, 2; 10, 13, 8.

The dictator defended the procedure by the *senatus auctoritas,* by a *plebiscitum* and by precedents. The precedents applied only to the election of him who presides at the election. They were those of Fabius and of Postumius Megellus who, while holding the election as interrex, was elected consul.

6) Holding Comitia for the Purpose of Legislation outside the City: the consul held the *comitia tributa* in camp and passed a bill *de vicesima eorum qui manu mitterentur,* by *novo exemplo.* The senate approved; but not the tribunes: 7, 16, 8 *ceterum tribuni plebis non tam lege quam exemplo moti, ne quis postea populum sevocaret, capite sanxerunt.* Since the tribunes' right of *intercessio* did not extend further than a mile outside the city, such proceedings, if continued, would materially limit their powers.

7) Precedent for a Censor Suffectus: unlike the practice in the case of other officials, when a censor died, his colleague neither held office alone nor was another elected. This rule was founded upon precedent and not upon a *lex.* The precedent arose from religious scruple, since on the first occasion, when a censor *suffectus* was chosen,[1] Rome was captured by the Gauls during that *lustrum.*

9, 34, 21 nec solus (i. e. another was chosen) nec ultra finitum lege tempus, L. Papirius censuram gessit; tamen neminem invenit qui se postea auctorem sequeretur (i. e. who either failed to resign or elected a colleague).

8) No Precedent for the Consul to Leave His Province: 31, 48, 2, Quintus Furius had left his province and had come to Rome without orders, to solicit a triumph, *id vero enim nullo exemplo fecisse.*

9) The Dictator Was Named at Night: 9, 38, 14 *nocte deinde silentio, ut mos est, L. Papirium dictatorem dixit.*

[1] See 5, 31, 6.

The observation of this was essential to a valid appointment.[1]

10) The Proper Magistrate for Dedicating a Temple: 9, 46, 6, when the aedile Flavius dedicated the temple of Concord, it was contrary to the *mos maiorum* for anyone to dedicate a temple other than a consul or *imperator.*

11) Censors Seat Themselves in the Campus Martius: 40, 45, 8, it was an ancient custom, *traditum antiquitus est,* that the censors should sit down in curule chairs in the Campus Martius near the altar of Mars when the election was finished.

12) The Infamia of the Censors: 39, 42, 6, it was established, we know not how, *institutum fertur,* that those who were removed from the senate should be branded with *infamia.*[2]

13) Iudicia Populi and the Senate: 4, 7, 5, a *iudicium populi* could be rescinded by the senate *nec exemplo nec iure.*

14) The Choosing of Officers by the Soldiers: 26, 2, 2, Lucius Marcius, who upon the death of the Scipios in Spain, had been chosen leader by the soldiers, sent a communication to the senate in which he signed himself propraetor. This was regarded by the senate as a bad precedent. Commanders should not be elected far from Rome in assemblies of the soldiers.

15) An Eleventh Tribune: 4, 16, 4, Livy says that certain authors report that Minucius, a patrician, passed over to the plebeians, and was elected the eleventh tribune but he does not believe that such a precedent would have been set by a patrician nor, if it had once been done, that the plebeians would have refrained from continuing or attempting to continue it.

[1] Cf. 8, 23, 14-16.

[2] See Greenidge, Infamia in Roman Law, 74-87.

16) Plebeian Consular Tribunes: 5, 12, 9, for some years after consular tribunes were allowed to be substituted for consuls, they were all elected from the patricians. For the year 400 B. C. one was elected from the plebeians *usurpandi iuris causa.*

17) The Interruption of a Iudicium Populi: 25, 4, 7, the senate decreed that the act of Postumius and the *publicani* in interrupting a *iudicium populi* was violence against the state and done *pernicioso exemplo.*

18) Powers of Tribunes: 2, 56, 12, the tribune Laetorius ordered the consuls and members of the nobility who were hindering the passage of a bill before the *plebs,* to be removed by the *viator.* They did not yield and Appius denied that the tribune, in accordance with his *imperium,* could remove them by the *mos maiorum.* All he could do was to say: *si vobis videtur discedite Quirites.*

19) Tribunes Oppose Each Other: 2, 44, 2, Appius asserted that certain tribunes, by vetoing the acts of others, had by this precedent, forever broken down the power of the college.

20) Assassination in order to Escape Prosecution: 2, 55, 1, the patricians secured the liberation of one who was brought to trial, by murdering the tribune, a victory *pessimi exempli.*

21) A Prosecution May be Conducted according to Law or according to Custom: 26, 3, 7-8, the consul Fulvius was tried for cowardice, and the bill called for a fine. Later the bill was amended and called for capital punishment. The tribunes declared this to be legal, *seu legibus seu moribus.*

22) The Senate Should Conduct *Quaestiones:* 38, 54, 5, when a *quaestio* was proposed to the people concerning the spoils from the war with Antiochus, an objection was made

by the tribunes, that the senate ought to conduct the investigation *ita ut antea semper factum esset.*

23) The Two *Quaestiones* at Locri: 31, 12, 3, the *quaestio* authorized by the senate concerning Pleminius and affairs at Locri[1] served as a precedent for another at the same place three years later.

24) Precedent for Obtaining the Throne: 1, 49, 2, Tarquinius is said to have feared that the way he obtained the throne would serve as a precedent.

25) Augury Employed in Enrolling Cavalry: 1, 36, 3 *id quia inaugurato Romulus fecerat . . . mutari neque novum constitui . . . posse.* Tarquinius Priscus had desired to enroll cavalry in addition to the centuries which Romulus had enrolled, but Attus, the augur, said this could not be done without taking the auspices.

4. THE TERMS USED

A. IUS AND EXEMPLUM

A *ius* may be created by an *exemplum* and so we frequently find the adjectives *malum, perniciosum, pessimum,* applied to the latter. The right of compelling the allies to support a Roman official's retinue, arose *velut probato exemplo.* Marcellus carried away the spoils of Syracuse to Rome *iure belli* as he said. Fulvius, who did the same with Ambracia, which had voluntarily surrendered, based his defence and the *ius belli* on the precedent of Marcellus. Again the law, *ius,* does not rest upon obsolete precedents in ancient records but upon recent practice.[2] This is a significant passage for the growth and decay of practice and consequently for changes in the Roman constitutional law. It was *consuetudo* 'usage,' *mos* 'custom,' and *exemplum,* 'precedent,' according to which that large body of

[1] See Livy, 29, 18-20. [2] See 27, 8, 9.

unwritten law, *ius,* was established. *Ius* and *exemplum* are occasionally used, correlatively, in justification or rejection of a certain course. The senate could rescind a *iudicium populi nec exemplo nec iure.*[1]

B. MOS AND EXEMPLUM

Ordinarily the difference between *mos* and *exemplum* is one of degree. The ovation of the propraetor Lentulus could not take place *more maiorum aut ullo exemplo.* When the soldiers sent a representative to the dictator to protest, the latter considered their action a bad precedent, *exemplum,* and inquired upon what *mos* it was based. This distinction, however, does not always hold. *Exemplo maiorum* in 8, 13, 16 and in 24, 8, 17 is equivalent to *more maiorum.* The *mos in publicum procurrendi* of which Cato complains, 34, 2, 9, is practically the same as the *exemplum* in 34, 2, 4. A triumph on mount Alba 33, 23, 3, took place *clarorum virorum exemplo* and in 42, 21, 7 Livy speaks of this kind of a triumph *quod iam in morem venerat.*

C. MOS AND LEX

Lex is evidently regarded in some places as a stronger, a more binding rule, than *mos.* Philip says of the Aetolians, 32, 34, 5 *cum ipsi pro lege hunc morem servent.* The Greeks of Emporia, Spain, 34, 9, 6, performed the watches of the city *neque moris causa tantum aut legis.* The Rhodians in an address to the Romans said:

45, 24, 3 neque moribus neque legibus ullius civitatis ita comparatum esse, ut, si qui velit inimicum perire, si nihil fecerit, quo id fiat, capitis damnetur.

Here should be discussed a passage referred to on page 310:

26, 3, 8 tribuni plebis appellati conlegae negarunt se in

[1] Cf. 39, 39, 6.

mora esse, quo minus, quod ei more maiorum permissum esset, seu legibus seu moribus mallet, anquireret, quoad vel capitis vel pecuniae iudicasset privato.

On this Weissenborn says: "Es war wol den Tribunen nicht durch ein bestimmtes Gesetz gestattet, einen Strafantrag zu ändern aber nach den Herkommen erlaubt. *seu leg.—seu mor.* bezieht sich entweder darauf, dass in dem Criminalrechte nur Weniges durch Gesetze, Vieles durch das Herkommen bestimmt war, oder darauf dass die Sitte mehrfach das strenge Recht gemildert hatte. Wahrscheinlich war früher das Verbrechen, welches Fulvius begangen hatte, als *perduellio* mit einer *capitis poena* gesetzlich bedroht gewesen, nach dem Herkommen aber nur eine Geldstrafe beantragt worden. Der Sinn der Worte scheint also zu sein: sie würden den Ankläger nicht hindern wie es ihm nach dem Herkommen gestattet sei, entweder nach dem geschriebenen Rechte auf eine Capitalstrafe oder nach dem Gewohnheitsrechte auf eine Geldstrafe anzutragen." Mommsen's view is[1] that according to the twelve tables, *legibus,* the punishment should be capital but a fine might be inflicted instead, *moribus.* In that case, there was no objection to amending an original bill, and no reference was made to the legality of it. But since later custom sanctioned a prosecution for such a misdemeanor, to be punished with a fine, the old penalty was obsolete now, and illegal, and the *ius* upon which the prosecution was based, depended upon *mos* and not upon *lex.*

D. EXEMPLUM AND LEX

Fabius, 10, 15, 11,[2] refused to have himself returned, when he was holding the consular election because it was contrary to law and established a very bad precedent. The

[1] Roemisches Strafrecht, p. 1015.

[2] See p. 307.

precedent was bad not because the act was contrary to law but because, evidently, it was contrary to public policy and would give rise to an undesirable *ius*.[1]

The events without precedent, which belong to the revolutionary period, reported in the *periochae*, show that Livy and his epitomizer were keenly alive to these constitutional questions. The following may be cited by way of illustration: Pompey, per. 107, was made sole consul, *quod nulli alii umquam contigerat*. Sulla, per. 89, proceeded with twenty-four *fasces, quod nemo umquam fecerat*. Licinius Crassus, pontifex maximus, while consul, departed from Italy, per. 59, *quod numquam antea factum erat*. Pompey, per. 89, at the age of twenty-four, and hitherto a Roman knight only, triumphed on his return from Africa, *quod nulli contigerat*.

These hints indicate that the writers of the time realized that they were in a revolutionary period and that constitutional safeguards were being broken down.

The above discussion has been necessary to show the sources from which *ius* arises or may arise. A *ius* arises *probato exemplo*. A *ius* depends not upon antiquated and forgotten precedent, but upon recent practice. It may be created by a *lex*.[2] Nettleship,[3] says: "*Ius* is either a law or rule or power or right existing prior to a *lex;* or is a decision or power or right granted in accordance with a *lex;* or a provision or ordinance included in a *lex*." It is *ius* in this first meaning, that arises from precedent and custom. *Ius* is a crystallization of custom. When *ius, mos* and *lex*

[1] Cf. 27, 6, 4 and 27, 6, 6 *dictator causa comitiorum, auctoritate senatus, plebis scito, exemplis, tutabatur*.

[2] Cf. *iusurpandi iuris causa*, said of the right established by a *lex*, of the plebeians to be represented in the college of consular tribunes.

[3] Contributions to Latin Lexicography, article Lex.

are coordinated, they are meant to cover the whole field of prescription. *Ius* must have contained, at least faintly, the idea of relationship of parties and the rights or duties arising therefrom, while *mos* meant that to which given people conform under given circumstances but contained no idea of association of parties.

Custom governed procedure throughout the wide range of Roman activity, consequently the kind and quality of the *ius* arising therefrom is a varying one.

III. CRIMINAL PROCEDURE

Mommsen has distinguished eleven main divisions in the Roman criminal procedure. The facts with which we shall have here to deal, are embraced largely under the titles: "Rechtskunde der Beamten," "Der rein magistratische comitial Strafprozess," "Der delictische Privatprozess" and "Das Geschwornengericht unter magistratischem Vorsitz."

The following divisions have been made here, as being better adapted to the material found in Livy: The Magisterial Procedure, The Iudicium Populi, The Quaestiones Extraordinariae, The Quaestiones Perpetuae, Military Procedure, and Pontifical Procedure. To Military Procedure has been subjoined a brief discussion of the senate's jurisdiction. The Magisterial Procedure includes all trials before those magistrates who were not subject to the *provocatio* and who, through their *imperium,* could inflict the heavier penalties even within the city. The Iudicium Populi includes all trials in which the magistrate was subject to *provocatio,* and which came before the people. The Quaestiones Extraordinariae include such cases as came under the presidency of an official or officials, conducted not by the magisterial *imperium* but authorized by a decree of the senate or of the people or of both. The Quaestiones Perpetuae are the permanent courts of the late Republic. Military Procedure embraces the acts of the commanding general toward his soldiers, of a punitive character, and the power of the provincial magistrate in his province. The senate had so large a part in these matters that its powers must be discussed in this connection.

1. Magisterial Procedure

1) The first case, 2, 5, 5, is that of the young patricians[1] who plotted for the return of the Tarquins. The consuls had not yet been made subject to *provocatio*. We are told: *damnati proditores sumptumque supplicium*. They were beheaded by the lictors, at the command of the consuls, and a reward of freedom, citizenship, and money was given to the slave who betrayed them. The letters which they wrote for the envoys of Tarquin were used as documentary evidence against them.

2) During a severe struggle between patricians and plebeians which arose mainly on account of the *nexi*, the consul ordered a ringleader of the mob to be arrested, 2, 27, 12. He appealed to the people but the consul would not yield to his *provocatio* until he was persuaded to do so by the patrician leaders. This procedure bears the marks of being something more than a mere arrest for disturbance of the peace, because of the mention of the *provocatio* and of the *iudicium populi*. There is no formulation of a charge given. The consuls had, by this time, been brought under subjection to the *provocatio* but the *provocatio* had not yet acquired sufficient sanction, to prevent the consul from disregarding it.

3) Maelius was prosecuted for *perduellio* by the dictator Cincinnatus, and his master of horse Servilius Ahala. A dictator was appointed because the consuls were fettered by the laws of appeal. Maelius had for some time been suspected of seeking royal power over the Romans, and finally

[1] The tradition of the trial of Horatius, the appointment of *duumviri*, his condemnation and appeal to the people, and his acquittal, Livy, 1, 26, needs to be mentioned only, in consequence of its unhistorical character. It may be remarked that in later time, it was regarded as establishing a precedent for the *provocatio*. Cf. 8, 33, 8.

it was reported that arms were being collected at his house. On being summoned by Ahala before the dictator, he withdrew into the crowd and when seized by order of the *magister equitum* he begged the people to aid him. While he thus cried for aid, Ahala slew him.[1] The dictator justified the deed and said, 4, 15, 2, that he had taken his seat *ad causam cognoscendam* and that Maelius would have met with the same fate, *vim parantem, ne iudicio se committeret, vi coercitum esse.*

4) A quarrel arose between the dictator and the master of horse.[2] The latter had joined battle in the absence of the former, contrary to orders. The dictator attempted to inflict summary punishment upon the master of horse, but he escaped to Rome. The dictator followed and ordered him to be seized by the lictors. An appeal was made to the people. Pleas were entered on both sides, but it is clear that the people felt that they did not have jurisdiction in the matter. So, instead of rendering a decision, they resorted to entreaties. Hereupon the dictator felt that his *imperium* had been upheld and he relented.

5) The tribunes had the right of *coercitio* to enforce their decrees.[3] They had the further right, by virtue of their sacrosanct character, of punishing those who violated their persons. Out of this, apparently, certain judicial powers grew. In per. 48 it is said that the consuls, because they refused freedom from service to certain friends of the tribunes, were thrown into prison by the tribunes. This action probably grew out of their power of *coercitio*. Cf. also Per. 58, *T. Annius consularis, qui cum in senatu, in Gracchum perorasset, raptus ab eo ad populum delatusque plebi, rursus in eum pro rostris contionatus est.* This does

[1] See 4, 14, 3-6.
[2] See 8, 31-36.
[3] 9, 34, 26.

not indicate a trial before the people. It seems to be an arbitrary action on the part of the tribune, growing out of his sacrosanctity. Cf. Plutarch, Gracchus 14 and Festus (Müller) p. 314, l. 30.

6) Atinius Labeo, per. 59, ordered the censor to be hurled from the Tarpeian rock, because the latter had passed him over in selecting the senate. This case grew out of the right of self-protection of the tribune.[1]

7) Cato, per. 105, was put into prison because he opposed the tribune's bill for assigning provinces to the consuls for five years.

8) Per. 55 C. Matienus accusatus est apud tribunos plebis quod exercitum in Hispania deseruisset, damnatusque sub furca diu virgis caesus est sestertio nummo veniit.

It is difficult to see what kind of a procedure is referred to here. Mommsen[2] does not consider this as anything more than an appeal to the tribunes, from the *coercitio* of the consul, which appeal failed.

Under magisterial procedure, if they are to be classified, would come various revolutionary proceedings recorded in the periochae: per. 102, *Catilina urbe pulso de reliquis coniuratis supplicium sumptum est;* Marius, consul, per. 80, ordered a senator to be hurled from the Tarpeian rock; per. 89 *Cn. Pompeius in Siciliam cum imperio a senatu missus, Cn. Carbonem . . . captum occidit.* In per. 88 we are told of the dictatorship of Sulla, of the proscriptions and massacres under his rule, of the murdering of the Praenestines and of the putting to death of Marius by his order. In per. 80 is an account of the massacres of Marius and Cinna. All these revolutionary measures hark back to a magisterial procedure, antedating the well established

[1] See 24, 43; 29, 37; 43, 16 for attempts to prosecute tribunes.
[2] Strafrecht, p. 43.

constitutional limitations on magisterial power. Cicero, in support of his proposed course against Catiline, cites as a precedent no. 3.

The trial of Marcus Volscius for false witness[1] was not a magisterial trial, but the dictator seems to have intervened to prevent interference by the tribunes.[2] The first set of decemvirs, though not elected subject to *provocatio,* submitted to it, and trials during that year were brought before the people. In one case a decemvir brought a patrician to trial before the people though he himself was a *iudex legitimus* to try it.[3]

2. IUDICIA POPULI

Tribunes, aediles, *quaestores parricidii,* and a decemvir are found in Livy as prosecuting officers before the people. There is also a tradition that *duumviri perduellionis* took part in one prosecution.

A. PROSECUTIONS BY THE TRIBUNES

There are several prosecutions of decemvirs, of censors, and of ex-consuls or ex-consular tribunes. The latter were cases arising usually, for cowardice or failure in war, but no general classification of the cases can be made. Consequently a table has been subjoined of all the cases numbered according to priority of occurrence. The individual cases will be cited by number in the discussion to follow.

TABLE OF PROSECUTIONS BY THE TRIBUNES

1) 2, 35. Marcius Coriolanus was brought to trial before the people, on various charges. He went into exile and was condemned.

2) 2, 52. Menenius, an ex-consul, was tried for the loss

[1] See 3, 24-29.

[2] See 3, 29, 6.

[3] Cf. p. 329.

of a fort. The charge was capital but he was condemned to pay a fine. He died from the disgrace.

3) 2, 52. Servilius an ex-consul was tried before the *plebs* for failure in battle and was acquitted.

4) 2, 54. Furius and Manlius, ex-consuls, were tried apparently because of their opposition to the agrarian bill. The patricians murdered the prosecutor and the trial was dropped.

5) 2, 61. Appius Claudius, opponent of the agrarian bill, was brought to trial once. The trial was put off and he died before it came up again.

6) 3, 13. Caeso Quinctius was a most vehement enemy of the plebeians. The counts against him were various. The charge of murder supported by false testimony weighed most heavily against him. He was the first to give bail for his appearance. He went into exile before trial and his father was held responsible for the bail.

7) 3, 31. Two ex-consuls, Romilius and Veturius, were prosecuted for selling booty, Romilius by a tribune and Veturius by an aedile. Each was fined.

8) 3, 56-58. Appius Claudius, the decemvir, was charged with condemning a free person to slavery. He was not allowed his freedom until the day of trial and committed suicide in prison.

9) 3, 58. Oppius, a decemvir, was prosecuted because he did not hinder the judgment of Appius and because he had scourged a soldier. He committed suicide before trial.

10) 3, 58. Marcus Claudius, who claimed Virginia as a slave, was condemned but permitted to withdraw into exile.

11) 4, 11. The commissioners who were appointed to conduct a colony to Ardea, by assigning the territory to Rutulians instead of to Romans, practically annulled a decision of the people. They were indicted but they avoided trial by remaining at Ardea.

12) 4, 21. An ex-master of horse, Ahala, was prosecuted for putting to death a citizen who had not been condemned. The bill to confiscate his property was defeated.

13) 4, 21. Minucius was brought to trial for obtaining the condemnation of Maelius on false charges, and was acquitted.

14) 4, 41. Postumius and Quinctius, ex-consular tribunes, were tried separately before the *comitia tributa* for failure in battle. Postumius was fined and Quinctius was acquitted.

15) 4, 42, and 44. Sempronius was charged with failure in battle. The trial was begun and withdrawn and recommenced. An agrarian bill was introduced at this time to prejudice his case. He was fined. The trial was before the *plebs*.

16) 5, 11-12. Sergius and Virginius, ex-consular tribunes, were tried before the *plebs* for failure in battle. They accused each other. Both were fined.

17) 5, 29. Virginius and Pomponius, ex-tribunes, were prosecuted because they supported the patrician cause, and were fined.

18) 5, 32. Furius Camillus was brought to trial on account of the booty of Veii. He went into exile and was fined in his absence.

19) 6, 1. Quintus Fabius was brought to trial probably before the *comitia centuriata* for engaging in war while he was a *legatus*. He died before sentence was pronounced.

20) 6, 20. Manlius was tried before the *comitia centuriata* for aiming at the royal power. He was condemned and hurled from the Tarpeian rock. Another tradition was handed down to the effect that he was prosecuted by *duumviri perduellionis*.

21) 7, 4-5. Manlius, ex-dictator, was prosecuted for scourging and fining those who failed to enlist. His son compelled the withdrawal of the prosecution.

22) 8, 37. The Tusculans were prosecuted before the *comitia tributa* for helping the enemies of the Romans in war. They appeared and made entreaties and were acquitted by the votes of all but one tribe.

23) 10, 46. The charge upon which Postumius was indicted is not given. He escaped trial by accepting a commission under the consul.

24) Per. 11. L. Postumius, while consul, made use of the soldiers on his private estate. He was prosecuted before the *comitia tributa* and fined (cf. Dionys. Hal. 17. 4f.).

25) 22, 35; 22, 49; 27, 34. Paulus and Livius ex-consuls, were prosecuted for mis-appropriating the booty won in battle. Livius on being condemned and probably fined, went into exile. Paulus was with some difficulty acquitted.

26) 24, 43. Furius and Atilius, censors, were indicted by a tribune because of the treatment the latter received at their hands. The trial was prevented by other tribunes.

27) 25, 3-4. Postumius, a *publicanus,* was brought to trial before the *concilium plebis* and a fine was demanded for fraud in furnishing government supplies. Other *publicani* interfered and the *concilium* was adjourned. An amended bill of indictment was then brought in and he was prosecuted for a capital offence. He gave bail for his appearance and defaulted. A bill of outlawry was passed against him.

28) 25, 4. This case of the *publicani* grows out of the preceding one. Some to avoid danger went into exile. Those who could not give bail were at first thrown into prison and later those who could were also imprisoned.

29) 26, 2-3. Fluvius, an ex-consul, was prosecuted for the loss of his army and a fine was demanded. Then the bill was amended and the trial was transferred to the *comitia centuriata,* on a capital charge. He went into exile and the *plebs* voted a bill of outlawry.

30) 26, 33. The case of the Campanians was referred to the senate by a *plebiscitum*.

31) 29, 22, 7-10; 34, 44, 6-8. Pleminius was accused for crimes at Locri and died before final trial.

32) 29, 37. Furius and Claudius, censors, were accused because of their severities. The prosecution was dropped through the influence of the patricians.

33) 30, 39, *Scribae* and *viatores aedilicii* were accused probably by the tribunes and condemned, for robbing the treasury.

34) 37, 57-58. Acilius, an ex-consul and a candidate for the censorship, was prosecuted for retaining some of the vessels exhibited in his triumph over Antiochus. When he withdrew his candidacy, the prosecution was withdrawn.

35) 38, 50-53. Publius Scipio was indicted on various charges. After some irregular proceedings, a tribune vetoed another hearing.

36) 43, 8. Lucretius, an ex-praetor, was brought to trial before the *comitia tributa* and fined for ill treatment of the people of Chalcis.

37) 43, 16. An appeal had been taken from the magisterial order of the censors, Gracchus and Claudius, to the tribunes. One only intervened and his intervention was overridden. The man who appealed to the tribunes was fined by the censors. Then both censors were prosecuted for *perduellio* before the *comitia centuriata*. Claudius was acquitted and the prosecution of Gracchus was dropped.

38) Per. 61. Opimius was prosecuted and imprisoned for putting citizens to death uncondemned but was acquitted at the trial.

39) Per. 67. The proconsul Servilius was prosecuted probably by a tribune for failure in battle. His goods were confiscated.

40) Per. 69. Metellus was prosecuted because he would not swear to support an agrarian bill. He went into volun-

tary exile and a bill of outlawry was passed against him.

41) Per. 103. The statement is made here that Cicero was sent into exile because he had put citizens to death uncondemned.

These cases present the following points for discussion; the trial *comitia;* the amending of an original indictment; the nature of the trials as to charge; the penalty, capital or pecuniary; avoidance of trial by death or by exile; prosecutions dropped; threatened prosecutions.

Before the twelve tables fixed the procedure on appeal in capital cases, providing that the *comitia centuriata* should be the trial *comitia,* such trials could be conducted before the *concilium plebis* when a tribune was prosecutor. Nos. 1-7 antedate the twelve tables and were conducted before the *concilium plebis* since there is direct mention of the *plebs* in all except no. 2.[1] Nos. 15, 17, 18, 27 and 29 were also prosecuted before the *plebs.* The *concilium plebis* is mentioned several times in 27. In 27 and 29 the cases were carried to the *comitia centuriata* on an amended bill but did not come to trial. The *plebs* must have had jurisdiction in 30 because the case was referred to the senate by a *plebiscitum.* 28 would naturally be tried, if it came to trial, before the *comitia centuriata* as 27 was.

Final trial was avoided by exile in 1, 6, 11, 18, 25, 27, 28, 29, 40, 41. Death removed the defendants before trial in 5, 8, 9, 19. In some of these cases the penalty of death would doubtless have been inflicted while in other cases the penalty would have been pecuniary. Prosecutions were begun and dropped in 4, 21, 35. In 15 it was begun, dropped and begun again. Trial was prevented in 26, 32, 34, 35, after it had been begun. Trial was avoided in 23

[1] Cf. Botsford, Rom. Assemblies, p. 264, who considers all these cases fictions.

by the acceptance of a military commission. The death penalty was inflicted in one case only, no. 20. The *adsertor* of Virginia was doubtless condemned to death, but the prosecution gave up its right of exacting the extreme penalty, as we are informed in no. 10.[1]

A pecuniary punishment was inflicted in eleven cases. Eight of these (2, 7, 14, 15, 16, 17, 18, 36) were tried before the *plebs* or the *comitia tributa*. The other three, 24, 25 and 33, are similar in character and there is no reason apparently why we should not understand that they were conducted before the same assembly. 32, 34, 35, and 39 were probably prosecuted for fines and were tried by the same assembly. 13, 19, 21 and 31 are of a somewhat different character. The prosecution may have been on a charge of *perduellio*. In that case the trial was probably before the *comitia centuriata* and the prosecution was for a capital offence. Probably, however, the charges made were merely nominal and the cases grew out of partisan politics. It may seem strange that tribunes should prosecute no. 6, where the nominal charge was murder. This, however, is another purely political case. The only really non-political cases prosecuted by tribunes were 27 and 28.

Reference has already been made to carrying a trial to the *comitia centuriata* on an amended bill, (cf. 27 and 29). There is one more case in which the penalty does not correspond to that asked for in the indictment at the beginning of the trial. In no. 2 the ex-consul prosecuted on a capital charge, was condemned to pay a fine.

In no. 8 there occurs the following expression:

3, 57, 5 proinde ut ille iterum ac saepius provocet, sic se iterum ac saepius iudicem illi ferre, ni vindicias ab libertate in servitutem dederit; si ad iudicem non eat, pro damnato in vincla duci iubere.

[1] Cf. 2, 52, 5.

A similar expression occurs in the case of Marcus Volscius:

3, 24, 5 nisi ita esset multi privatim ferebant Volscio iudicem, cum ad iudicem ire non auderet . . . Omnes eae res . . . haud magis dubiam damnationem . . . faciebant.[1]

Virginius' offer to name a *iudex* seems to be an offer to settle the truth or falsity of the charge on which the prosecution was based, in a private suit by *in iure, in iudicio* procedure and probably by the method *per sacramentum.* There seems to be no hint, in the later time, of settling the truth or falsity of a charge in this manner.

Livy gives a report of a somewhat curious *plebiscitum*[2] (which report however he does not credit) to the effect that if Furius should perform any act in his capacity as dictator, *pro dictatore quid egisset,* he should be fined.

B. TABLE OF PROSECUTIONS BY AEDILES

1) 3, 31. The consul was fined for selling booty. The prosecutor was a plebeian aedile.

2) 7, 28. Usurers were prosecuted by aediles.

3) 10, 23. Usurers were prosecuted by curule aediles.

4) 35, 41. Usurers were prosecuted by curule aediles.

5) 10, 23. *Pecuarii* were prosecuted by plebeian aediles.

6) 10, 47. *Pecuarii* were prosecuted by curule aediles.

7) 33, 42. *Pecuarii* were prosecuted by plebeian aediles.

8) 35, 10. *Pecuarii* were prosecuted by aediles.

9) 38, 35. *Frumentarii* were prosecuted by curule aediles.

10) 8, 22. Marcus Fulvius was prosecuted by plebeian aediles for *stuprum* and was acquitted.

11) 10, 31. Women were prosecuted by plebeian aediles for *stuprum* and were fined.

12) 25, 2. Women were prosecuted by plebeian aediles for *stuprum* and went into exile.

[1] Cf. also 3, 56, 4.

[2] See 6, 38, 9.

13) 7, 16. An ex-tribune was prosecuted for holding too much land. The prosecution was inspired by Marcus Popilius Laenas who was probably a curule aedile. This case is probably similar to those of the *pecuarii*. He was condemned.

14) 10, 13. Certain ones who held too much land were prosecuted by aediles.

15) Per. 19. Claudia was prosecuted for *perduellio* and was fined. The prosecution is referred to the plebian aediles by Aulus Gellius in 10, 2.

16) 10, 23; 27, 6; 30, 39 Fines the causes of which are not given.

The judicial duties of the aediles were not particularly important. They were for the most part concerned with cases of usury as in 2, 3, 4; *pecuarii* or those who occupied more than the amount of land allowed by law as in 5, 6, 7, 8, 13, and 14; *Frumentarii* or those who cornered the grain supply as in 9; and cases of *stuprum* as in 10, 11, and 12. Cases of *stuprum* with vestals were punished by the pontiffs. No. 1 is peculiar in that it is a political case exactly similar to many prosecuted by tribunes and in this instance the colleague of Veturius was prosecuted and fined by a tribune. The aedile may have been merely a very useful assistant of the tribune. The prosecution for *perduellio* which in 15 was a mild sort of treason, might, in the earlier period, have been conducted by the *duumviri perduellionis* or perhaps by the *quaestores parricidii*. In the later time it would be more usual for the prosecution to have been conducted by the tribunes. The aediles may have acted under the tribunes.

C. TABLE OF PROSECUTIONS BY OTHER OFFICIALS

1) 2, 41. Cassius, an ex-consul, was prosecuted for *perduellio* by *quaestores parricidii*. He was put to death and

his house was torn down. Another tradition was to the effect that his father took cognizance of the case and beat him and put him to death and consecrated his property to Ceres. Livy prefers the first account.

2) 3, 24-29. Marcus Volscius was prosecuted for false witness by *quaestores parricidii*. He was condemned and went into exile.

3) 6, 20. There was one tradition that Manlius was prosecuted by *duumviri perduellionis* and not by the tribunes.

4) 3, 33. Sestius, a patrician, was prosecuted by the decemvir Julius for murder. The result is not given.

1) Prosecutions by the Quaestores Parricidii

The two cases recorded antedate the twelve tables, but it does not seem probable that their activity ceased at that time. Otherwise there does not seem to have been any suitable official for the prosecution of such charges as that of false witness in which there were no political motives to spur it on. Supposing their activity to have continued, it is not difficult to understand Livy's silence. Their duties were not important enough in the development of the city, or were not of the kind that would interest general historians.[1]

2) The Duumviri Perduellionis

There is only one tradition of a prosecution by *duumviri perduellionis* following the tradition of those engaged in the trial of Horatius. Livy evidently does not accept this tradition, but believes that the prosecution was conducted in the regular manner by the tribunes.[2] The charge of *perduellio* was indeed something more than nominal, in a political case and there may have been a feeling on the part

[1] Cf. Mommsen, Staatsrecht, 2, 1, p. 525. Botsford, Roman Assemblies, p. 244.

[2] Cf. no. 20, p. 41.

of the later historians, that the tribunes were not the proper prosecutors for such cases. For another mention of *duumviri perduellionis* see Cic. Pro Rabirio.

3) A Decemvir as Prosecutor

The first set of decemvirs allowed *provocatio.* Since there were no officers save decemvirs in existence at this time no one else could conduct the prosecution.

3. Quaestiones Extraordinariae

table of the quaestiones extraordinariae

1) 4, 51. The consular tribune Postumius was killed by his troops. The *plebs* entrusted a *quaestio* concerning the matter to the consuls. A few were designated for punishment and they were thought to have committed suicide. The *plebs* were much displeased.

2) 8, 18. An investigation of poisoners was made by the consuls and the senate. More than one hundred and seventy women were condemned.

3) 9, 26. A dictator was appointed to investigate cabals at Capua. He extended his investigations to Rome, then resigned without results.

4) 9, 26. This case grows out of no. 3. The dictator and master of horse were brought to trial before the consuls, who were authorized by the senate to try them. They were acquitted.

5) 10, 1. It was reported that the people of Frusino had aroused the Hernici to revolt. An investigation was made by the consuls on the authority of the senate and the leaders of the conspiracy were scourged and beheaded.

6) 28, 10. An investigation of the Etruscans and Umbrians, who had revolted to Hannibal, was authorized by the senate and committed to the propraetor.

7) 29, 17-21. The praetor of Sicily, Marcus Pomponius, was at the head of a commission to investigate the affairs at

Locri. Pleminius and thirty-two others were condemned and sent in chains to Rome. This commission was authorized by the senate.

8) 31, 12-13. Another investigation of an alleged robbery of the temple of Proserpina at Locri was authorized by the senate and entrusted to the praetor at Bruttium. The guilty were punished.

9) 32, 1. This is a continuation of no. 8. It was authorized by the senate and conducted by Minucius, propraetor in Bruttium. Some were sent in chains to Rome and certain Locrians were punished.

10) 33, 36. The peregrine praetor Acilius Glabrio made a combined *quaestio* and military expedition against slaves who had entered a conspiracy in Etruria. Some were crucified and others were given over to their masters.

11) 38, 54-55. An investigation was ordered by the people concerning the spoils from the war with Antiochus, not accounted for by Lucius Scipio and others. Terentius Culleo, peregrine praetor, was appointed to conduct it by the senate and he condemned and fined Scipio and two others. Manlius Vulso remained away and avoided the *quaestio*. See 39, 6.

12) 39, 3. The Latin allies were compelled to return home. The peregrine praetor, Terentius Culleo, was appointed to investigate whether or not they obeyed. Twelve thousand returned.

13) 39, 8-19. An investigation of the Bacchanals was made by the consuls on the authority of the senate. Many were put to death, some were thrown into chains, the women were handed over to their relatives for punishment.

14) 39, 29 and 41. An investigation was made concerning the Bacchanals and concerning conspiracies of shepherds by Lucius Postumius, praetor at Tarentum. Seven thousand shepherds were put to death; of the Bacchanals

some were punished and others were sent to Rome to the senate.

15) 39, 38 and 41. The praetor of Sardinia, Quintus Naevius, being authorized by the senate to make an investigation of *veneficii,* condemned two thousand.

16) 40, 19. An investigation of Bacchanals was made by the praetor of Apulia, Lucius Duronius, on the authority of the senate. No results are given.

17) 40, 37 and 43. An investigation was made concerning *veneficii* in and near the city by Claudius, the peregrine praetor, and one was made outside the city by Maenius, the praetor of Sardinia, on the authority of the senate.

18) 40, 42. The senate decreed that an investigation should be made by Gaius Claudius, the peregrine praetor, concerning the treatment of Roman citizens by king Gentius.

19) 41, 9. The senate committed a *quaestio* to the praetor of Sardinia, Lucius Mummius, concerning the Latins who did not return home.

20) 42, 21-22. The people passed a bill asking the senate to appoint some one to conduct a *quaestio* concerning the ill-treatment of the Ligurians at the hands of Marcus Popilius. The senate appointed the city praetor, Gaius Licinius. Popilius pleaded his case twice. On the third occasion the trial was postponed until Licinius' term of office had expired and the trial came to naught.

21) 43, 2. Five *recuperatores* were appointed by the senate to try the ex-praetors for extortion. Several went into exile. The trial closed prematurely.

22) 45, 16. The praetor of Sardinia, Manlius Torquatus, being retained *ad res capitales quaerendas* by the senate, was prevented from going to his province.

In the table the *quaestiones* are given in their chronological order. On the basis of the persons concerned, three

groups may be made: A, where the accused are Roman citizens as in 1, 3, 4, 7, 11, 13, 17, 20, 21 and possibly 14, 16, and 22 may be included; B, where the accused are non-Roman citizens as in 5, 6, 8, 9, 12, 14, 15, 16, 18, and 19; C, where the accused are women or slaves as in 2, 10, 13, and 17.[1]

A. Regarding no. 1 Mommsen[2] remarks: "Dass im J. 341/413 wegen der Ermordung eines Kriegstribuns consularischer Gewalt auf Veranlassung des Senats die Kriegstribune durch Plebiscit, eine Untersuchung veranlasst und die Plebs deren Führung den Consuln aufgetragen habe, welche um diese zu führen des Auftrags gar nicht bedurften, ist sicher eine Fälschung, in die Annalen eingeführt, um die gleichartigen Specialgesetze der sinkenden Republic zu legitimiren." It is true that the consuls did not require any delegated authority in order to enable them to conduct the investigation, but they were subject to *provocatio* and could not inflict an extreme penalty. One may understand that the statement of Livy as it stands, means that the people have voted away the right of *provocatio* in this instance. In order to prove that this crept into the annals "um die gleichartigen Specialgesetze zu legitimiren" it would have to be shown that the method of procedure was what the historian had particularly in mind, but this does not seem to be the case. Moreover Mommsen does not cite any "gleichartigen Specialgesetze der sinkenden Republic." Whether or not the statement of Livy is historical, it doubtless reflects the current usage of the time.

No. 3 is anomalous in that a dictator was appointed to conduct the investigation. The *quaestio* was decreed by the senate. Whether or not the decree was intended to

[1] It may be noted that some of the *quaestiones* have to do with more than one class e. g. 13 and 17.

[2] Strafrecht, p. 172.

authorize an investigation at Rome, an officer had it in charge who was not subject to *provocatio* even in the city and he extended his investigations to the city. He resigned under charges which gave rise to no. 4. The consuls were commissioned by the senate to investigate these charges. The dictator was exonerated but the investigation means little unless the consuls had the power to convict and punish. He might have been brought to trial before the people and the result aimed at could have been accomplished in this manner. In this same investigation a considerable number seem to have been brought to trial but none were convicted.

The commission in no. 7 consisted of the praetor of Sicily as president, two senatorial members, two plebeian tribunes and an aedile. They were either not given full power of punishment or else they did not choose to exercise it for Pleminius and others were condemned and sent to Rome. Pleminius was accused before the people but before his trial took place he attempted to set the city on fire and seems to have been put to death in the Tullianum by a senatorial order.

No. 11 is a criminal prosecution but not on a capital charge. This procedure is in contrast with that followed in the case of Publius Scipio, who was prosecuted in the usual way, in a *iudicium populi,* for peculation. We should note that the prosecution was authorized by the people and the senate appointed an officer to conduct it. Consequently we may assume that there were now two methods by which an offender might be tried. Whether or not the authorization of the people was necessary will be discussed later.

In no. 13, the Bacchanals, there has been a good deal of discussion whether or not Roman citizens were put to death by the consuls, acting as they did, under a decree from the senate *extra ordinem. Extra ordinem,* says Weissenborn,

means: "Die Prozesse werden nicht wie es das Gesetz vorschrieb in Volksgerichten geführt, sondern die Consuln erhalten durch die Uebertragung der *Quaestio* die Vollmacht Ausnahmsgerichte zu halten in welchem die Provocation ausgeschlossen ist." Mommsen says: "Das ausserordentliche Einschreiten . . . nicht auf die Erweiterung der Competenz, sondern auf die Erledigung dieser Geschäfte ausser der Reihe und vor den übrigen zu beziehen ist."[1] He calls the procedure "eventuell wohl magistratisch-comitialen."[2] The senate issued against the Bacchanals restrictive decrees which the consuls read publicly. They then began attachment proceedings and offered a reward to informers. They proclaimed that whosoever refused to answer summons on a fixed day should be condemned in his absence. Many put themselves to death. The leaders of the sect were soon arrested and brought before the consuls and Livy says: 39, 17, 7 *adducti ad consules fassique de se nullam moram iudicio fecerunt.* So many fled that the consuls were obliged as he says: 39, 18, 2 *circa fora proficisci ibique quaerere et iudicia exercere.* Those who had been initiated merely but had committed no crimes were kept in prison.

39, 18, 4-6 qui stupris aut caedibus violati erant, qui falsis testimoniis, signis adulterinis, subiectione testamentorum, fraudibus aliis contaminati, eos capitali poena adficiebant. Plures necati quam in vincla coniecti sunt. Magna vis in utraque causa virorum mulierumque fuit. Mulieres damnatas cognatis aut in quorum manu essent, tradebant, ut ipsi in privato animadverterent in eas; si nemo erat idoneus supplicii exactor, in publico animadvertebatur.[3]

Did the consuls, as Weissenborn says, possess Vollmacht?

[1] Strafrecht, p. 152.
[2] Strafrecht, p. 324.
[3] See C. I. L. 1, 196.

Greenidge does not think so,[1] nor does Mommsen.[2] Yet whoever reads this account, unless he has some adverse theory to support, must understand that the consuls did inflict the death penalty, and that too upon Roman citizens. The leaders were brought before the consuls, they confessed and caused no delay to their trial. But it was the consuls who conducted the trials, *exercere iudicia,* and these trials were not *iudicia populi.* Following in immediate connection with *consules . . . iudicia exercere,* Livy says: *Plures necati quam in vincla coniecti sunt.* Also *eos capitali poena adficiebant.* Livy's statement is plain that the consuls did inflict capital punishment. The whole situation, the contrast in the treatment of the more and of the less guilty, between that of the men and that of the women, the immediate punishment of the leaders, the difficulty of bringing such large numbers before *comitia* for trial, especially for separate trial, and the fact that there is nowhere any hint of a *provocatio* seems to prove that there was none. Livy does not neglect to say that the women were punished in the regular manner by their relatives. Nos. 14 and 16 are re-echoes of this *quaestio* and it is reasonable to suppose that Roman citizens, such as had escaped from Rome, were in the number of those who were punished, but this cannot be proved. The poisoners mentioned in 15 and 17 may also have been members of this sect.

No. 17 includes really two investigations made simultaneously, one within the city and one outside of it. The only result given of the *quaestio* within the city, is the condemnation of a woman for poisoning her husband who was consul. In the *quaestio* outside the city, more than two thousand were condemned and the business was still unfin-

[1] See Legal Procedure of Cicero's Time, pp. 382 and 569.
[2] Staatsrecht, 2, p. 110.

ished. We may suppose then that there was a considerable number in the city whose trial is unrecorded.

Mommsen calls no. 20 "Das erste geschichtlich beglaubigte criminelle Ausnahmegesetz."[1] The *quaestio* was authorized by the people, but it is evident from the account that this method was adopted by the senate in order to force the hand of refractory consuls. The brother of one of the consuls had dealt unfairly with a people who had surrendered to him and the senate desired to annul his acts. The consuls would not bring the matter up for consideration and the senate would consider nothing else. The tribunes proposed a fine against the consuls if they did not repair to their provinces and they included a provision for a *quaestio* concerning the Ligurians, which, after the departure of the consuls, was brought up in the senate by the praetor appointed to conduct it.

The fact that the investigation came to naught because it was postponed until the praetor's term of office had expired, shows that a special investigation belongs to an individual in his official capacity only, and further that such duty does not pass to his successor in office. No. 21 is the first trial *de repetundis* that Livy records. It occurred about twenty years before the first permanent court *de repetundis* was established and about sixty years after Rome began her provincial administration.

B. NON-ROMAN CITIZENS

These special commissions that have to do with non-Roman citizens are introduced here because they show the growing power of the senate and because they must have influenced the procedure at Rome. Most of these commissions have to do with cases which would regularly come

[1] Strafrecht, p. 172.

under the military jurisdiction and there are parallels for them which are dealt with by the commanding generals. The earliest important one of which we know the result is no. 5. As a result of it we are told that the leaders of the Frusino affair were scourged and beheaded. Even earlier than this, in 4, 30, 5 there is an account of a *cognitio* of the Fidenates entrusted to Sergius and Sulpicius by the senate and certain ones were by them banished to Ostia. Of nos. 6 and 18 the result is not given. There does not seem to be any reason for thinking that the consuls did not have authority to make these investigations without the commission of the senate. Nos. 12 and 19 are matters of state policy rather than of criminal procedure, but in order to enforce their decrees the praetors had a power of *coercitio* and this was granted by the senate's commission. No. 8 is modelled upon no. 7, so we are told. No. 9 is in the nature of a continuation of no. 8. The variant account of no. 7, that Pleminius was punished by Scipio, shows that there was a feeling that the military authority was the proper one, for the management of the case. Regarding nos. 14, 15, 16 and 17, which doubtless had to do with non-citizens and perhaps with citizens also, there is little to add. They are rather outside the sphere of a commander's duties and though they might have been undertaken without the authorization of the senate, still the procedure that was followed, doubtless added strength and sanction to those who had the matters in charge.

C. WOMEN AND SLAVES

In no. 2 the accused, apparently, consisted of women only and one hundred and seventy were condemned. We do not know the form of punishment meted out to them. In no. 13 the guilty women were handed over to their relatives for punishment and those who were not *in manu* probably were

punished publicly by the consuls. No. 2 is an interesting investigation because, though the accused are not male Roman citizens, the senate could not have known in advance that women only would be found guilty. In fact it would seem inevitable that such a practice as this should lead to such an extension of power as is found to have been made in the bacchanal case. No. 10, the putting down of a conspiracy of slaves, adds nothing save perhaps to show that these important matters were not taken up without the authority of the senate and that in the absence of the consuls a competent leader must be selected by a competent authority.

In glancing over the table one will notice that three *quaestiones,* nos. 1, 11, and 20 were made under the authority of the people. These *quaestiones* affect Roman citizens, but they do not seem to differ essentially, from those not so authorized. In the beginning the authority of the people, as in no. 1, would doubtless be felt necessary, but when a special court is established from which there is no appeal, it seems inevitable that there would be a shift as to the body which authorizes such a court. When the bill authorizing no. 11 was brought before the people, an objection was made: 38, 54, 5 *senatum quaerere de pecunia non relata in publicum ita ut antea semper factum esset aequum censebant.* We are entitled to believe that the matter was taken up by the tribunes because they feared that on account of the influence of the Scipios in the senate, it would never be brought up there at all. As has already been pointed out, no. 20 was authorized by the people merely to enable the senate to get the matter before itself for consideration. The senate had made considerable effort to have the consuls lay before it the subject of the treatment of the Ligurians by Popilius, and the consuls had refused to do so.

The *quaestiones extraordinariae* reach back about two hundred and fifty years before the time of the permanent courts, the first of which was established in the year 149 B. C. The permanent courts gradually assumed cognizance of cases which hitherto had been subject to investigation in *iudicia populi* or had occupied the *quaestiones extraordinariae*. The permanent courts were judicial and were for criminal cases only. The *quaestiones* were broader than that. To the period of the permanent courts belongs the device of the *senatus consultum ultimum*. Livy mentions this device in 3, 4, 9 and in 6, 19, 3 but he affords no evidence that it played any part in judicial procedure in the earlier time. He does not even mention it again. There was no need of it. The dictatorship was continued until the close of the second Punic war. But the dictator was appointed regularly *rei gerendae causa* and not for judicial business.[1] The *senatus consultum ultimum* was designed to legitimatize certain kinds of acts performed by administrative officers, regularly the consuls. The *quaestiones extraordinariae* performed this function in an earlier period. The time when it was most employed was a time of political peace so far as patricians and plebeians were concerned and there was little reason to question the constitutionality of it. In fact the people had legitimatized it and later like the question of war and peace, the senate and the people or the senate alone could authorize it. The *senatus consultum ultimum* thus was a little broader than the *quaestio extraordinaria* and authorized acts of both administrative procedure which the dictator had formerly been appointed to perform, and of judicial procedure, such as had been subjects of *quaestiones extaordinariae*.

It seems then that the *quaestio* was a constitutional fore-

[1] Cf. however no. 3.

runner of the *senatus consultum ultimum* and that the latter was not a new device of the revolutionary period but an extension of an old one in a time of political turmoil. It thus marks the culmination of republican senatorial authority.[1]

4. QUAESTIONES PERPETUAE

Willems[2] says: "La *quaestio perpetua* est un tribunal criminel, permanent, ayant une compétence déterminée, et composé d'un président et de jurés qui changent annuellment. Chaque *quaestio perpetua* est instituée par une loi spéciale, qui précise sa compétence judiciaire, la composition du tribunal, la procédure à observer et les pénaltés à prononcer."

There is no direct evidence on this subject in Livy. A few trials which must have fallen to the jurisdiction of these permanent courts, are briefly referred to in the *periochae.* As was mentioned above the first permanent court was established in the year 149 B. C.[3] by the *lex Calpurnia de repetundis.* To this court belongs one case:

Per. 70 cum M'. Aquilius de pecuniis repetundis causam diceret, ipse iudices rogare noluit. M. Antonius, qui pro eo perorabat, tunicam a pectore eius discidit, ut honestas cicatrices ostenderet. indubitanter absolutus est.

It is not definitely known in what year the *quaestio perpetua de ambitu* was established. Hartman[4] says: "Etwa in die Mitte des 7. Jhdts. oder etwas später fällt wahrscheinlich die Einfürung einer *quaestio perpetua de ambitu;* doch ist kein Grund vorhanden, dieselbe auf eine

[1] Since the material in Livy does not extend down to the Gracchan period, it is not possible to show all the points of connection.

[2] Le Droit Public Romain, p. 313.

[3] Cf. Cic. Brut. 27, 106.

[4] Pauly-Wissowa R. E. article Ambitus, p. 1801.

lex Maria zurückzuführen. Dagegen ist mit viel Wahrscheinlichkeit vermutet worden dass eine *Lex Cornelia,* nach welcher die wegen A. Verurteilten sich 10 Jahre jeder Amstbewerbung zu enthalten hatten, ein Gesetz des Dictators Sulla war." The *lex Cornelia* seems to have been earlier than 67, the date of the *lex Calpurnia,* which rendered the ineligibility for office, mentioned by Hartman, perpetual, and provided for pecuniary penalties also.[1] Livy tells of four laws *de ambitu* before the permanent court was established. One is mentioned in 4, 25, 13; the *leges Poeteliae* in 7, 15, 12; the *lex Cornelia et Balbia* in 40, 19, 11; *lex de ambitu lata* per. 47. The following case is probably to be referred to the year 65: per. 101 *coniuratio eorum qui in petitione consulatus ambitus damnati erant, facta de interficiendis consulibus, oppressa est.*

The exact date of the permanent court for homicidal cases is also unknown.[2] The *lex Cornelia de sicariis et veneficiis* was passed about the year 81. The *lex Pompeia de parricidiis* was passed in 52. The former seems to have contained a section which had to do with the killing of near relatives.[3] The latter defined *parricidium.* The trial of Milo comes under the *lex Cornelia:* per. 107 *quaestione decreta de morte P. Clodii, Milo iudicio damnatus in exsilium actus est.* Compare the trial of the murderers of Caesar: per. 120 *Caesar consul legem tulit de quaestione habenda in eos, quorum opera pater occisus esset; postulatique ea lege M. Brutus, C. Cassius, D. Brutus, absentes damnati sunt.*

Not until late in the republican period was a distinction made between homicide and *parricidium* or the murder of near relatives. The *lex Pompeia* defined the relationships

[1] Cf. Willems, Le Droit Public Romain, p. 245.
[2] Cf. Mommsen, Strafrecht, p. 615.
[3] Cf. Digest, 48, 9, 1; Inst. 4, 18, 6.

of persons the murder of whom constituted *parricidium.* Mommsen[1] says that between 105 and 102 B. C., such trials were conducted before the people, but before the time of Sulla (and consequently before the *lex Cornelia*) they were tried in a permanent court. The prosecution of Malleolus may have taken place in this court: per. 68 *Publicius Malleolus, matre occisa, primus culeo insutus, in mare praecipitatus est.*[2]

When these courts were first established the juries were composed of senators. Gracchus substituted the knights in their stead. The next change was made by Drusus: per. 71 *M. Livius Drusus tribunus plebis . . . (legem) iudiciariam quoque pertulit ut aequa parte iudicia penes senatum et equestrem ordinem essent.* Puchta[3] does not think that Drusus meant to share the *iudicia* between the senate and the knights. Appian's[4] statement indicates that the senate, which at this time was reduced below the regular number of three hundred, was repleted by an equal number of knights and that the senate as thus reorganized, was to possess the *iudicia.* Soon after this the senate resolved that all the laws of Drusus were illegal because they were not in harmony with the *lex Caecilia-Didia,* a bill which made certain preliminaries necessary before a law could be proposed.[5] This action seems to have left the *iudicia* in the control of the knights until Sulla gave them back to the senate. The next change was made in the consulship of Pompey and Crassus, in the year 70: per. 97 *iudicia quoque per L. Aurelium Cottam praetorem ad equites Romanos*

[1] Strafrecht, p. 644.

[2] For further examples see Mayor's Juvenal, vol. II, p. 48. This was a punishment *more maiorum*, see Digest, 48, 9, 9.

[3] Institutionen, 1, 71.

[4] Roman History, 1, 35.

[5] Cf. Cic. Pro Domo, 16 and 20.

translata sunt. This statement however means that the knights were permitted to share jury duty with the senate and the *tribuni aerarii.*[1]

5. MILITARY PROCEDURE

That certain judicial duties were to be performed in the army is suggested by the following:

28, 24, 10 et iura reddere in principiis sinebant et signum ab iis petebant.

Per. 86 (Sulla) litigatores, a quibus adibatur, vadimonia Romam deferre iussit, cum a parte diversa urbs adhuc teneretur.

In Scipio's concilium it was decided that thirty-five, who were authors of the mutiny, should be summarily punished.[2]

28, 29, 11 nudi in medium protrahebantur, et simul omnis apparatus supplicii expromebatur; deligati ad palum virgisque caesi et securi percussi . . .

The general's authority was not subject to *provocatio* further than the first mile-stone outside the city.[3] In 2, 59, 9-11 it is stated that Appius scourged and beheaded the soldiers who had thrown away their arms, the standard bearers who had lost their ensigns, and those centurions and privates who had left the ranks. Of the remainder every tenth man was drawn by lot and punished. A military tribune also exercised similar power:

4, 50, 4 postremo, cum modum irae nullum faceret, ad vociferationem eorum, quos necari sub crate iusserat, concursu facto, ipse ad interpellantes poenam vecors de tribunali decurrit.

Per. 57 quem militem extra ordinem (Sulla) deprehendit, si Romanus esset, vitibus, si extraneus, fustibus cecidit.

[1] Cf. Ascon. in Cornel. pp. 67-68.

[2] Cf. Mommsen, Staatsrecht, 1, 121.

[3] See Livy, 3, 20, 7.

Fustuarium seems to have been a military punishment inflicted upon deserters, e. g. 5, 6, 14 *fustuarium meretur, qui signa relinquit aut praesidio decedit.*[1] On another occasion 24, 20, 6 three hundred and seventy deserters were all scourged in the *comitium* and beheaded by the general.[2] Scipio, 30, 43, 13, beheaded the deserters who were Latin allies and crucified the Roman deserters delivered up to him by the Carthaginians. We are told regarding the spies captured at Capua: 26, 12, 19 *septuaginta comprehensi et cum transfugis novis mulcati virgis manibusque praecisis Capuam rediguntur.*

The consul's imperium was unlimited in the Campus Martius.[3] This unlimited imperium was frequently extended to those who were honored with a triumph, 26, 9, 10, or with an ovation, 26, 21, 5. When the consul and the dictator were with the same army, the former was so far subject to the latter that he might be degraded, 3, 29, 2; 8, 33, 14, but there is no clear evidence that he could be forced to resign.

When Satricum was retaken, 9, 16, 10, the consul instituted an investigation, to determine who was responsible for the revolt, and those who were found guilty, he scourged (and beheaded). These Satricians were declared in 26, 33 to be Roman citizens and the senate was not able to punish them until authority was granted by the people. When Marcellus entered Nola, a *civitas foederata,* 23, 17, 1-3, he instituted an inquiry into the conduct of those who had been in communication with Hannibal, and he beheaded more than seventy and confiscated their property to the Roman treasury. In 39, 43, 2 Lucius Quinctius is represented as having conducted rigorous judicial investigations

[1] Cf. Cic. Phil. 3, 6, 14.

[2] Cf. p. 319 for the action in the case of Matienus.

[3] See Livy, 24, 9, 1-2.

in the Latin colony Placentia and he boasted how many he had condemned to death. These he had in chains and was on the point of beheading. When Sora, another Latin colony, was recaptured, the punishment of those who instituted the revolt was referred to the senate. Two hundred and twenty-five were sent in chains to Rome and were scourged and beheaded, to the great joy of the plebeians, as Livy tells us in 9, 24, 14-15.[1] But the Blossi brothers, 27, 3, 5, who had conspired to burn the soldiers' huts, were condemned after a *quaestio* and put to death by Marcellus, proconsul in Campania.

When Capua was retaken, after it had revolted to Hannibal, the consuls disagreed as to what should be done with the people. One consul proposed that the whole matter be left to the senate. But during his absence his colleague scourged and beheaded a considerable number of Capuan senators.[2] Before punishment had been inflicted upon one portion which had been sent to Teanum for safekeeping, word came from the senate regarding them, but the consul put the letter aside and meted out the punishment as he had intended to do. The fact that they were Roman citizens seems at first to have been overlooked by the senate.[3]

MILITARY PROCEDURE AND THE SENATE

Some of the passages cited above show that the general occasionally referred punishments to the senate. It will be necessary to pursue this subject of the senate's influence somewhat further in order to show its growing power.

Twelve Latin colonies, 29, 15, had refused to fill their quotas of soldiers and the senate decreed that the consuls should summon their magistrates and twelve leading citi-

[1] Cf. 8, 20, 7.
[2] Cf. 26, 15.
[3] Cf. 26, 33, 10.

zens from each colony to Rome. After their arrival, the magistrates were sent back and the other representatives were retained until the lists should be completed. The consuls had previously warned them, 27, 9, 10 *non Campanos neque Tarentinos esse eos sed Romanos.*

The generals had less to do with originating a policy toward the people of the Italic peninsula than with peoples *extra Italiam.* Naturally the result of a campaign could not be foretold and terms of peace and questions of reward and punishment and of general policy were, in a large way, necessarily left to the general who completed the campaign. Yet the senate was represented:[1] 33, 24, 7 *decem legati more maiorum, quorum ex consilio T. Quinctius imperator, leges pacis Philippo daret . . . decreti.*[2]

This commission gave audience to several kings and states, 33, 34, 1. They did not settle all matters but referred certain things back to the senate, 33, 34, 7. A commission of ten acted with Scipio, 30, 43, 4. A commission, whose number is not given, while on the way to Carthage, made terms of peace with Virmina, 31, 11, 17, and visited Masinissa, 31, 19. After the peace granted by Lucius Scipio, was confirmed by the senate and the people, an answer was given to the various deputations from Asia: 37, 55, 4 *decem legatos more maiorum senatum missurum ad res Asiae disceptandas componendasque.*

When Perseus was conquered, Aemilius Paulus and ten *legati* prepared a *lex provinciae* or charter, 45, 17, 1-4.[3] This same board investigated the conduct of the Aetolians, to find out who had supported the cause of Perseus. Aulus Baebius was condemned for permitting Roman soldiers to engage in the slaughter of their citizens at the time of their

[1] Cf. pp. 301-302, no. 7.

[2] Cf. 33, 31, 4; 34, 57.

[3] For the laws and regulations see 45, 23-30 and 32.

dissensions, and for assisting the Roman party against the national party. Five *legati*, 45, 17, 4, were appointed to assist Lucius Anicius in the organization of Illyria.

The commissioners for Macedonia summoned before themselves the Acarnanians and investigations were made of those who favored the king and they caused two leading men to be beheaded, 45, 31, 15.[1] In 45, 10 an account is given of their dealings with the Rhodians.[2]

Appius Claudius had been sent as a *legatus* to quell disturbances among the Thessalians, who had been lately set free from Philip by the Romans:

42, 5, 9-10 cum iniusto faenore gravatum aes alienum, ipsis magna ex parte concedentibus, qui onerarent, levasset, iusti crediti solutionem in decem annorum pensiones distribuit. Per eundem Appium eodemque modo, compositae in Perhaebia res. Aetolorum causas, Marcellus . . . cognovit.

A single legatus acted in Cyprus:

Per. 104 lege lata de redigenda in provinciae formam Cypro et publicanda pecunia regia, M. Catoni administratio eius rei mandata est.

The point to be observed in the last two passages is that the legatus, appointed, seems to have exercised full jurisdiction in both civil and criminal matters. Similar is the following:

29, 36, 10 eodem tempore M. Cornelius consul in altera parte Italiae non tam armis quam iudiciorum terrore Etruriam continuit.

[1] For their interference with Antiochus in Egypt see 45, 12.

[2] The senate, 44, 15, 1, had already punished the Rhodians by declaring that their subjects, the Carians and Lycians should be free. This was in retaliation for the presumption of the Rhodians in seeking to be arbiters in the contest between Rome and Perseus.

When the Romans had assumed a protectorate over a people, they often interfered in its disputes with others, by sending *legati* as *disceptatores:*

39, 24, 13-39, 25, 1 senatus . . . legatos ad eas controversias disceptandas misit . . . ibi cum Romani legati disceptatorum loco, Thessali Perrhaebique et Athamanes, haud dubii accusatores, Philippus ad audienda crimina tamquam reus consedisset . . .[1]

40, 17, 1 eodem anno inter populum Carthaginiensem et regem Masinissam in re praesenti, disceptatores Romani de agro fuerunt.

While this does not show any strictly judicial powers of the senate, it shows that persons were selected by the senate who, in an administrative capacity, did exercise both civil and criminal jurisdiction. Fernand Louvet[2] declares that the senate had no repressive jurisdiction, properly speaking. He notes that the senate, in order to punish the Campanians,[3] required an order from the people, authorizing the punishment. He adds, however, that it possessed certain attributes which attach to the exercise of criminal jurisdiction. In the first *quaestio* concerning poisoners,[4] the public faith was pledged by the senate to the maid-servant who gave information: When fire broke out around the forum, the consul on the authority of the senate, offered a reward to any one who would give information in regard to the incendiaries. The senate authorized the people to appoint, or else itself appointed the *quaestiones extraordinariae* and it passed the *senatus consultum ultimum.*[5] It declared, on occasion, that certain individuals were acting

[1] Cf. 39, 33, 1; 39, 36, 7.
[2] Les Juridictions Criminelles à Rome, p. 53.
[3] See Livy, 26, 33, 10.
[4] Livy, 8, 18, 4-5.
[5] See 3, 4, 9; 6, 19, 3. Cf. also per. 61 and 109.

contra rem publicam, 3, 21, 2, and that certain alleged offenders were *hostes,* per. 77; 119; 121. It also ordered the proclamation of a *iustitium,* 3, 3, 6; 10, 21, 3.

It is desirable to note some other facts in this connection. The soldiers who escaped at the battle of Cannae, 25, 5, 10, were banished to Sicily to serve until the close of the war. Referring to these Livy speaks of recruiting the troops in Sicily from the legions of Fluvius:

27, 7, 13 conquisitos eos consules in Siciliam miserunt; additaque eadem militiae ignominia, sub qua Cannenses militabant quique ex praetoris Cn. Fulvi exercitu ob similis iram fugae missi eo ab senatu fuerant.

After recounting the circumstances of the trial of Pleminius for the Locrian affair, Livy says, 29, 22, 11 *de Scipione nusquam nisi in senatu actum.*[1] Similar is the following: 43, 8, 1 *accersere in senatum Lucretium placuit, ut disceptaret coram purgaretque sese.* Immediately after this he was brought to trial by the tribunes. The procedure before the senate may be regarded as a preliminary investigation. In these preliminary investigations, it was doubtless determined whether action should be advised against the defendant, or if prosecution should follow, it was probably decided whether the defendant should be supported by the senate's influence or should be left to his fate. It is reported concerning Pleminius, that though he never came to final trial before the people, he was thrust into a lower dungeon and put to death by the senate's order.[2] Marcus Livius was compelled by the consuls to take part in public duties and in the deliberations of the senate.

27, 34, 7-8 sed tum quoque aut verbo adsentiebatur aut pedibus in sententiam ibat, donec cognati hominis eum causa M. Livii Macati, cum fama eius ageretur, stantem

[1] Cf. 5, 8, 13.

[2] See 34, 44, 8 and cf. 29, 22, 10.

coegit in senatu sententiam dicere . . . causamque sermonibus praebuit, indigno iniuriam a populo factam, magnoque id damno fuisse . . .

With regard to those who went to Veii to escape the expense of rebuilding Rome Livy says that they were recalled by a *senatus consultum*. Further:

6, 4, 5 et primo fremitus fuit aspernantium imperium; dies deinde praestituta capitalisque poena, qui non remigrasset Romam, ex ferocibus universis singulos, metu suo quemque, oboedientes fecit.

Manlius was freed from prison by a *senatus consultum* 6, 17, 6.

6. PONTIFICAL PROCEDURE

The pontiffs had authority over vestals and over certain priests. The following passage will illustrate the absoluteness of this authority over vestals:

a. 8, 15, 7 vestalis . . . insimulata deinde apud pontifices ab indice servo, cum decreto eorum iussa esset sacris abstinere familiamque in potestate habere, facto iudicio viva sub terram ad portam Collinam extra viam stratam defossa scelerato campo.

The pontiffs attached the vestal's slaves probably that they might not be freed and thus escape giving testimony under torture. Condemnation of vestals for *stuprum* is referred to in per. 14; per. 20; 22, 57, 2-3; per. 63. In 22, 57, 2-3, the co-respondent, a pontiff's clerk, Lucius Cantilius, was flogged in the *comitium* by the chief pontiff until he died. In 4, 44, 11-12 a vestal was tried and acquitted.

b. Authority over Priests. The *rex sacrificulus* was subject to the pontiff, 2, 2, 2. In 40, 42, 6-10 we are told that the chief pontiff refused to inaugurate a naval duumvir to be *rex sacrificulus* unless he should first resign his naval commission. This the latter refused to do and he was fined by the pontiff. He appealed to the people and the case came before the *comitia tributa*. The decision rendered was to

the effect that he should resign his naval commission and that the fine should be remitted.

In 37, 51, 1-6 the *flamen Quirinalis,* who had been elected praetor and was assigned to the province of Sicily, was forbidden to leave Italy by the chief pontiff. There was great disturbance in the senate and among the people. *Pignera capta et multae dictae et tribuni appellati et provocatum ad populum.* In the trial before the people the pontiff prevailed and the *flamen* was given the foreign praetorship which had been assigned together with the city praetorship to one man. These last two examples show that in certain kinds of cases, at least, the pontiff was or came to be subject to *provocatio.* But in cases of *stuprum* where the respondents were connected with priestly offices, he does not seem to have been brought under the *provocatio.* Somewhat similar to the last example is the case in per. 19 where the consul Aulus Postumius, a *flamen Martialis,* was forbidden to leave the city on a military campaign.[1] There is an interesting case which shows the pontiff's power over a tribune:

Per. 47 Cn. Tremellio tribuno plebis[2] multa dicta est quod cum M. Aemilio pontifice maximo iniuriose contenderat; sacrorumque quam magistratuum ius potentius fuit.

[1] Clark's interpretation of this in Jurisprudence, p. 345, seems to be faulty.

[2] Codex Nazarianus reads *pr.* Botsford, Rom. Assemblies, p. 322, thinks the praetor was prosecuted before the people by a tribune. The author regrets that the work of Professor Botsford came to hand after his article was already in type, so that full consideration of its important conclusions was impossible.

CONCLUSION

We seem to be justified in holding that the following points have been established:

1) *Ius* in Livy denotes a relationship between parties, embodying rights or duties of either party; as between state and citizen *ius* denotes authority, which has in many cases become embodied in law, law being at the same time a limitation of authority and an expression of rights.

2) *Ius Gentium* in Livy means international law in a sense closely akin to the modern sense.

3) Precedent and custom, as Livy shows, give rise to various kinds of *ius* such as rules of etiquette, state policy, and constitutional law. In the growth of procedure, they sometimes override older statute law.

4) There developed in Rome two jurisdictions for criminal prosecutions. The one was a public prosecution before the people under the leadership of the tribunes. The preliminary steps of pronouncing a penalty and of appeal to the people were probably lost so far as actual practice was concerned and cases came directly before the assembly. The other jurisdiction was the *quaestio extraordinaria.* It was one of the two weapons which the *nobilitas* used to offset the power of the commons. This *quaestio* was regularly decreed by the senate and the *senatus consultum ultimum* was a direct descendant of it.

To these points should be added that the great interest which Livy has for us, so far as law is concerned, is in what he has told us concerning criminal procedure. In recording the political and industrial progress of the Romans he has necessarily touched upon occasional matters relating to

private law. For example he is the chief authority for what is known concerning the early form of contract which he calls *nexum*. Private law, however, interested him only as it was interwoven with political history.[1]

[1] In consequence of the fragmentary character of his statements which deal with private law, it seemed impossible to set forth, in any orderly way, the information which he affords.

REMINISCENCES OF ENNIUS IN SILIUS ITALICUS

I. PREVIOUS THEORIES CONCERNING THE PUNICA

C. Silius Italicus and his description of the Second Punic War have received comparatively little recognition either in ancient or in modern times. He was praised by Martial[1] and was mentioned by Pliny[2] and a few of his other contemporaries;[3] then, with but one or two exceptions, no further reference to his name and no allusion to his poem can be found until the fifteenth century, when the discovery of a manuscript[4] of the Punica awakened a slight interest, but led to very few systematic and critical investigations. Another manuscript,[4] discovered in the following century, brought no greater results. In the latter part of the nineteenth century sufficient interest was shown to question the sources and the historical credibility of the poem, but since then little more has been said concerning it, and the text of the latest edition[5] is still far from well established.

[1] Epigr. 4, 14; 6, 64; 7, 63; 8, 66; 9, 86; 11, 48; 11, 49.

[2] Epis. 3, 7.

[3] Tac. Hist. 3, 65; Epictet. Diss. 3, 8, 7; cf. also Charisius, Instit. gram. (Keil, Gram. Lat. 1, 125, 16).

[4] Cf. H. Blass, Die Textesquellen des Silius Italicus, Jahr. class. Phil., sup. 8 (1875-1876), pp. 161-250.

[5] From this edition by L. Bauer (Leipsic, 1890-92) all quotations in the following pages are taken.

With regard to the sources of the Punica, two general theories were promulgated. One was that Livy was the writer from whom Silius had gained most of his information and that such variations as appeared were traceable either to another account or to the poet's own imagination; the other was that the predecessor to whom Silius was indebted was not Livy, but one of the early annalists, possibly Fabius Pictor, transmitted through the Annals of Ennius.

The latter theory, proposed and vigorously maintained by Max Heynacher,[1] has met with but little favor. His position was approved, according to the testimony of Ludwig Bauer,[2] by Sieglin and Vollmer, and when his second treatise[3] appeared in 1877, it received the following commendation from E. Baehrens:[4] "in welcher ebenso umsichtigen wie fleissigen Arbeit der genaue Beweis geführt wird, dass Livius nicht die Hauptquelle des Silius war, sondern dass auch ein älterer Annalist, vielleicht Fabius Pictor, von ihm benutzt ist, somit also den Punica des Silius eine höhere Bedeutung als Geschichtsquelle zukommt, als bisher angenommen wurde." But with the exception of these three scholars, no others appear to have sanctioned this view.

On the other hand, Joannes Schlichteisen,[5] Ludwig Bauer,[6] J. S. van Veen,[7] and Anton Arendt[8] strongly op-

[1] Ueber die Quellen des Silius Italicus, Ilfeld, 1874.

[2] Das Verhältnis der Punica des C. Silius Italicus zur dritten Dekade des T. Livius, Erlangen, 1883, p. 4, n. 2; p. 59.

[3] Ueber die Stellung des Silius Italicus unter den Quellen zum zweiten punischen Kriege, Nordhausen, 1877.

[4] Jahresbericht über die römischen Epiker, Bursian's, Jahresber. 10 (1877), p. 52.

[5] De fide historica Silii Italici quaestiones historicae et philologicae, Königsberg, 1881, p. 128.

[6] Op. cit.

[7] Quaestiones Silianae, Leyden, 1884, pp. 60, 78.

[8] Syrakus im zweiten punischen Kriege, Königsberg, 1899, pp. 110, 113, 114.

posed this belief in an annalistic source and advocated the former theory. Editors and investigators prior to Heynacher all maintained that the influence of Livy upon Silius was pre-eminent; even E. Wezel,[1] who considered that this phase of the matter had been treated sufficiently and sought rather, by means of many selected passages, to prove the additional influence of several other earlier authors, only proceeded to this course after first devoting a few pages to the primary claims of Livy. In fact the majority have held the position noted by Arendt (p. 114): "dass Livius Hauptquelle für Silius ist, dass dieser aber daneben noch andere Quellen eingesehen hat."

Among these other sources, Ennius is expressly mentioned by Wezel (chap. II), Bauer (p. 59), and van Veen (p. 7). The two latter make the general statement that Ennius exerted no small influence upon the work of Silius, but they do not discuss the question in detail. Wezel, however, devotes an entire chapter to an enumeration of passages from the Punica, which he thinks were suggested by lines from the Annals of the early poet. He has, I believe, detected some genuine similarities, but he has been justly criticised[2] for an over-zealous selection of fancied resemblances, many of which are, in truth, more imaginary than real.

Quite different from this theory of manifest indebtedness to Ennius are the opinions of G. Cosack, of Schlichteisen, and of Blass. Cosack's[3] view of the matter is thus stated

[1] De C. Silii Italici cum fontibus tum exemplis, Leipsic, 1873, pp. 3, 4.

[2] Cf. Schlichteisen, p. 9; van Veen, p. 7; H. Blass, Anz. v. E. Wezel de Silii Italici cum fontibus tum exemplis, Neue Jahrb. f. Phil. u. Paed., vol. 109 (1874), p. 510.

[3] Cosack's Quaestiones Silianae (Halle, 1844), I have been unable to consult, but his opinion has been clearly stated by later scholars.

by van Veen (p. 10): "Quod ad fontes attinet, pro certo ponit, eum saepissime Livium esse secutum, Ennium contra, etiamsi fortasse Annales cognoverit, in carmine elaborando non adhibuisse." Schlichteisen, after a careful discussion of those parts of the third, fourth, and fifth books of the poem that are traceable to the poetical invention of the author and those that are traceable to other historical accounts, sums up his decision (p. 128) in favor of Cosack's view, attributing to Livy the greatest influence and adding: "Annalium scriptores vetustos eum quasi duces narrationis secutum esse minime apparet vel, si nonnumquam inspexit, certe demonstrari non potest." Blass says (p. 506): "Dass Ennius von Silius gekannt und gelesen worden sei, glaube ich gern. Etwas anderes ist es aber, ob nach dem Stande unserer Kenntnis sich das beweisen lasse. Ich mag es nicht absolut verneinen, halte aber doch die Beweise für sehr problematisch."

Anton Kerer,[1] while not explicitly denying the influence of Ennius, shows by his ardent effort to prove indebtedness to Livy in the first four books of the Punica that he leaves no room for the claims of Ennius. In fact he and Heynacher, though arriving at entirely different results, were evidently led to their conclusions by similar fallacious reasoning, due to the influence of the so-called single source theory, which was at one time maintained so persistently in regard to writers of Roman history and was not successfully refuted until the last decade.

Wezel, too, shows the effect of this theory in yet another way. He does not claim for the Punica, as a whole, dependence upon any one previous writer, but recognizes its debt to many; yet he usually detects the influence of these predecessors only in separate passages, one apart from the

[1] Ueber die Abhängigkeit des C. Silius Italicus von Livius, Bozen, 1880-81.

other, and thus fails to see that in almost all cases there is a simultaneous blending of reminiscences from several sources. The general tenor may be very suggestive of one author and yet certain distinctive touches give strong evidence of the additional influence of others.

To discover all of the sources of the Punica would be, as Blass says,[1] impossible; to attempt to reach any final conclusion as to the exact amount of influence exercised by the early annalists, and especially by Ennius, would likewise be useless, when so little of their work is left to us. But I hope to be able to show that, with the material we have, some such influence is traceable not, as Heynacher maintains, to the exclusion of all other sources, but combined with them; nor as Wezel would seem to indicate, in separate, distinct pictures, but in slight descriptive touches blending almost imperceptibly into the varied background formed by the use of several sources intermingled one with the other.

But before proceeding to an investigation of this internal evidence, it may be well to discuss briefly the possibilities of such influence from considerations of a more general nature, although Johannes Vahlen,[2] in the excellent introduction to his latest edition of Ennius (Leipsic, 1903, pp. XXI-CXXX), has given such a complete review of the proof of Ennian influence upon contemporary and succeeding writers, as to leave little need to say more. That which follows here in this connection is practically all quoted from his account, but with emphasis upon that phase of the

[1] Anz. v. E. Wezel de Silii Italici cum fontibus tum exemplis, Neue Jahrb. Phil. u. Paed., vol. 109 (1874), p. 471: "wie wäre das auch möglich bei den so trümmerhaft uns erhaltenen Resten der Litteratur?"

[2] All the fragments of Ennius quoted in the following pages are taken from this edition.

matter which is of special interest in regard to Silius Italicus.

Previous to the beginning of our era, the power exerted by Ennius was so unmistakably disclosed in the writings of such men as Lucretius, Varro, Cicero, Virgil, and Horace as to leave no doubt with regard to the knowledge of his works possessed, not only by them, but also by those for whom they wrote. The following lines from Horace alone would be sufficient to prove this, Epis. 2, 1, 50-62:

> Ennius, et sapiens et fortis et alter Homerus,
> ut critici dicunt, leviter curare videtur
> quo promissa cadant et somnia Pythagorea.
> Naevius in manibus non est et mentibus haeret
> paene recens? adeo sanctum est vetus omne poema.
> ambigitur quotiens, uter utro sit prior, aufert
> Pacuvius docti famam senis, Accius alti,
> dicitur Afrani toga convenisse Menandro,
> Plautus ad exemplar Siculi properare Epicharmi,
> vincere Caecilius gravitate, Terentius arte.
> hos ediscit et hos arto stipata theatro
> spectat Roma potens, habet hos numeratque poetas
> ad nostrum tempus Livi scriptoris ab aevo.

Nor was Ennius known only to be commended. The crudities of his work were also recognized, as is shown by such critical phrases as the following:

Horace, Sat. 1, 10, 54:

> versus Enni gravitate minores,

Ovid, Amor. 1, 15, 19:

> Ennius arte carens,

Ovid, Trist. 2, 424:

> Ennius ingenio maximus, arte rudis.

A little later we find some more radical expressions of disapproval. In fact Vahlen (p. LXXIII) says that the favor in which Ennius had been held gradually decreased until, in the time of Nero, Seneca looked upon him with contempt and Persius with scorn. But even this attitude shows that Ennius was still known and read. Seneca

would surely not have hinted at his dislike of this poet,[1] if he had been unacquainted with his writings, nor would he have known how the words of Ennius and Accius had suffered from disuse,[2] if he had not been familiar with them as originally employed. Persius likewise wrote as one who possessed personal knowledge of the poems of Ennius and, moreover, who felt assured that his allusions to his predecessor would be understood and appreciated by his contemporaries. Thus a sneer at the boast of Ennius (Ann. 15), *memini me fiere pavum,* appears in the opening lines of his Prologue:

> nec fonte labra prolui caballino,
> nec in bicipiti somniasse Parnaso
> memini, ut repente sic poeta prodirem.

In another passage (Sat. 6, 9-11) he again refers to Ennius and quotes a line evidently well-known to him in its original connection:

> 'Lunai portum, est operae, cognoscite, cives':
> cor iubet hoc Enni, postquam destertuit esse
> Maeonides, Quintus pavone ex Pythagoreo.

Furthermore, if there was occasion for him to express his disapproval of the current desire to read Ennius's contemporary, Pacuvius, and his immediate successor, Accius,[3] there is little doubt that, had he given more than a sugges-

[1] Seneca, De ira, 3, 37, 5: Non aequis quendam oculis vidisti, quia de ingenio tuo male locutus est: recipis hanc legem? ergo te Ennius, quo non delectaris, odisset.

[2] Seneca, Epis. 58, 5: Non id ago nunc hac diligentia, ut ostendam, quantum tempus apud grammaticum perdiderim, sed ut hoc intellegas, quantum apud Ennium et Accium verborum situs occupaverit; cum apud hunc quoque, qui cotidie excutitur, aliqua nobis subducta sint.

[3] Persius, Sat. 1, 76-78:

> est nunc, Brisaei quem venosus liber Atti,
> sunt quos Pacuviusque et verrucosa moretur
> Antiopa, aerumnis cor luctificabile fulta?

tion of the names of those who at that time satisfied the popular taste for antiquarian literature, Ennius also would have appeared among those early writers who still claimed attention.

As Vahlen states (p. LXXVIII), Martial shows that in his time there were readers of the Annals, for he says (Epigr. 11, 90, 5) *attonitusque legis 'terrai frugiferai.'* Quintilian also, by his quotations from Ennius and the final judgment that he passes upon him,[1] reveals the fact that he had at some period in his life followed his own advice and read the ancient writers whom he recommended to all *firmis autem iudiciis iamque extra periculum positis* (Inst. or. 2, 5, 23). Pliny, the Elder, in his Natural History quotes from the Annals passages not found elsewhere[2] and Pliny, the Younger, speaks of Accius and Ennius as if they were well-known.[3] Statius also seems to imply, in the Silvae, 2, 7, 75, *cedet Musa rudis ferocis Enni,* that the Muse of Ennius had not yet given up her ascendency.

In the light of so much evidence of the continued knowledge of Ennius both before and during the time of Silius, it would be most natural to suppose that the latter also knew the works of the early poet. This seems all the more probable from the statement made concerning Silius by Pliny, Epis. 3, 7, 8: *multum ubique librorum, multum*

[1] Quint. Inst. or. 10, 1, 88: Ennium sicut sacros vetustate lucos adoremus, in quibus grandia et antiqua robora iam non tantam habent speciem quantam religionem. Propiores alii atque ad hoc, de quo loquimur, magis utiles.

[2] Cf. Vahlen, pp. LXXV, LXXVI.

[3] Pliny, Epis. 5, 3, 6: Neronem enim transeo, quamvis sciam non corrumpi in deterius quae aliquando etiam a malis, sed honesta manere quae saepius a bonis fiunt, inter quos vel praecipue numerandus est P. Vergilius, Cornelius Nepos et prius Accius Enniusque. non quidem hi senatores, sed sanctitas morum non distat ordinibus.

statuarum, multum imaginum, quas non habebat modo verum etiam venerabatur. Among these large collections of books with which the several villas of Silius were furnished, Ennius doubtless had his place. In truth it seems very probable that Silius may have been trained in reading the verses of Ennius during his school-days. If Horace remembered the dictation exercises he had received from the writings of Livius, he doubtless also remembered similar ones from Ennius, of whom he says: *ediscit Roma potens.*

Quintilian (Inst. or. 2, 5, 21) utters this warning to any master: *ne quis eos* (i. e. *pueros*) *antiquitatis nimius admirator in Gracchorum Catonisque et aliorum similium lectione durescere velit.*

Likewise in the next century Aulus Gellius (Noct. Attic. 18, 5, 2-7) refers definitely to the use of Ennius for purposes of instruction. He says that on one occasion he heard a public reading from the seventh book of the Annals of Ennius, given by a so-called *Ennianista,* who performed services similar to those of Quintus Vargunteius, mentioned by Suetonius (De illustr. gramm. 2). After the reading, a question arose as to whether the phrase *quadrupes equus* used by the speaker was the original form or whether he should have said *quadrupes eques.* Hereupon, Gellius adds:

aliquot eorum, qui aderant, 'quadrupes equus' apud suum quisque grammaticum legisse se dicerent et mirarentur, quidnam esset 'quadrupes eques.'

It seems reasonable, then, to suppose that Silius knew Ennius well, and this supposition is strengthened by the very natural and, at times, apparently unconscious way in which Ennian touches appear to have crept into his poem.

As has been previously stated, Wezel devotes an entire chapter of his thesis to the citation of passages from the Punica, with a parallel passage in each case taken from the fragments of the poetry of Ennius. By thus bringing together quotations from the two authors, he seeks not only

to prove that Ennius served as one of the sources and models for Silius, but also to ascertain with greater certainty the meaning and connection of the fragments of the Annals which relate to the Second Punic War, a task of which he says (p. 47): "reliquias Ennianas quae ad bellum Punicum alterum spectant melius inter se coniungi posse, si Silii narrationem sequimur, quam si Livium aliumve scriptorem sequimur."

Of this attempt Heynacher (Ueber die Quellen des Silius Italicus, p. 1) says: "Weder Cosack noch Wezel hat eine rationelle Quellenanalyse angestellt. . . . Beide knüpfen ihre Untersuchungen an wenige Stellen und haben deshalb in dieser Frage kein bestimmtes Resultat gewonnen"; for Heynacher, while maintaining the theory of the annalistic source, quotes very few parallel passages, but seeks to find this influence rather in the general tenor of the whole poem and in its variations from the account of the same period as given by Livy.

Yet notwithstanding this criticism, I have thought best to begin with a consideration of separate passages, partly because this seems the most natural means of approaching a study of similarities between two authors, one of whom we possess only in such fragmentary portions, and partly because from such a study of the isolated parts, we may perhaps be able to arrive at some conclusion as to the whole.

In discussing these separate passages, I have chosen first some that show evidence of the direct influence of Ennius, though this may be discernible only in a slight touch, and second, some that reveal traces of an indirect use of Ennius through the works of Virgil and Livy. Then I shall try to find a possible explanation in Ennius for some of the essential points in Silius that are not traceable to any other source and that might very naturally have found their origin in the lines of the earlier poet.

II. PASSAGES SHOWING DIRECT INFLUENCE

1) In his short discussion of Wezel's parallel passages, Blass (p. 506) selects no. 20 as first in importance, although even here he thinks that the evidence of Ennian influence is not very strong. The lines quoted from the Punica are descriptive of the burial honors shown by Hannibal to the Roman leader, Paulus, who was slain in the battle of Cannae, and are found in the tenth book, ll. 527-534:

. . . . tum munera iussa,
defessi quamquam, accelerant sparsoque propinquos
agmine prosternunt lucos; sonat acta bipenni
frondosis silva alta iugis. hinc ornus et altae
populus alba comae, validis accisa lacertis,
scinditur, hinc ilex, proavorum condita saeclo.
devolvunt quercus et amantem litora pinum
ac, ferale decus, maestas ad busta cupressos.

The passage recalls at once, as Wezel points out, ll. 176-182 in the sixth book of the Aeneid, where Aeneas is represented as causing similar honors to be shown to the body of Misenus, when found upon the shore:

. . . . tum iussa Sibyllae,
haud mora, festinant flentes aramque sepulcri
congerere arboribus caeloque educere certant.
itur in antiquam silvam, stabula alta ferarum,
procumbunt piceae, sonat icta securibus ilex
fraxineaeque trabes cuneis et fissile robur
scinditur, advolvunt ingentis montibus ornos.

Showing marked likeness to both passages are a few lines quoted by Macrobius (Sat. 6, 2, 27), as originally found in the sixth book of the Annals of Ennius:[1]

incedunt arbusta per alta, securibus caedunt,
percellunt magnas quercus, exciditur ilex,

[1] Enn. Ann. 187-191.

fraxinus frangitur atque abies consternitur alta,
pinus proceras pervortunt; omne sonabat
arbustum fremitu silvai frondosai.

That Wezel considered these a part of the description of the burial of Paulus is not distinctly stated, though Blass (p. 507) thinks that such was his opinion and that he thereby ignored the statement of Macrobius referring them to the sixth book of Ennius, which told of the war with Pyrrhus, while the eighth told of the war with Hannibal.[2]

But granting that they were not used in the same connection as the lines in the Punica, or even that they were written as part of the description of the construction of a fleet, as Blass suggests may have been the case, yet this would not prevent them from exerting an influence upon the work of Silius, for the latter is not always at pains to preserve the relation of his borrowed thoughts as they stood in the original, and has in several cases transferred descriptions and incidents from one scene to another. Such a fact, when added to the consideration that he takes very little in the exact words of his creditor, might lead one to suppose that he sought to disguise his plagiarisms, if his imitations, particularly of Virgil, were not so slavish as to defy all thought that the author was seeking to avoid detection therein. Nay, his poem seems rather to present a mingling of thoughts and phrases from various sources, so well known to the author that there was no need of an exact correspondence of circumstances to call them to mind. That the present passage of Silius clearly shows Virgilian influence has been universally acknowledged, and that Virgil was here, as in many other cases, indebted to Ennius, I think we may grant is equally true. Thus there must have been at least an indirect influence of the elder poet on Silius through the medium of the Augustan writer. But Wezel

[2] Cf. Vahlen, ed. 1903, pp. 31 and 46.

thinks that Silius was directly dependent upon Ennius, and Blass is inclined to assent to this because of the use of the phrases *frondosis silva alta iugis* in the Punica and *omne sonabat arbustum fremitu silvai frondosai* in the Annals, while the word *frondosus* is not found in the quotation cited from Virgil. Now this in itself is not sufficient evidence to prove that Virgilian influence is not to be found here, for this word occurs in other passages of the Aeneid and also in the Eclogues and Georgics, as Ec. 2, 70, *frondosa in ulmo;* Geor. 3, 296, *frondosa aestas;* 4, 543, *frondoso luco;* 1, 282, *frondosum Olympum;* Aen. 5, 252, *frondosa Ida;* 7, 387, *frondosis montibus;* 8, 351, *frondoso vertice,* and any of the last four phrases might easily have suggested the *frondosis iugis* of the Punica. But the proximity of the word *silva,* especially when taken with its peculiar setting, is suggestive of the *silvai frondosai* of Ennius, for in both cases the thought expressed is that from all parts of the leafy forest came reverberating echoes due to the simultaneous felling of many trees, a thought that is found in none of the Virgilian passages noted above, not even the one which seems to have served as the model for Silius. The vigorous power of the words of Ennius, which create so vivid an impression of a forest full of sound, is lacking in Virgil's *sonat icta securibus ilex,* which attracts attention rather to the individual trees as they fall. It is the scene of the larger activity which Silius strives to present in the lines quoted above, and in so doing he shows that even while he followed a later writer as the real source of the passage, he was influenced, perhaps unconsciously, by the thought of the annalistic poet.

2) Sil. 7, 219-252 gives an address by which Fabius calmed the seditious feelings of his followers when they grew impatient because of his dilatory conduct toward

Hannibal. From this passage Wezel (no. 21) chooses the following lines as showing traces of Ennian influence:

7, 233:

una, ut debellet, satis est victoria Poeno.

237-238:

. . . . una reclusis
omnes iam portis in campum effuderit hora.

241:

fortunae Libys incumbit flatuque secundo
fidit agens puppim.

244-245:

. . . . non ulla perenni
amplexu Fortuna fovet.

The fragment with which he connects these belonged, according to Macrobius (Sat. 6, 2, 16), to the eighth book of the Annals and is thus given by Vahlen (ll. 287-289):

. . . . multa dies in bello conficit unus:
et rursus multae fortunae forte recumbunt:
haudquaquam quemquam semper fortuna secuta est.

This comparison Blass (p. 508) thinks is based upon a false foundation, for the words of Silius's '*fortunae incumbit* are equivalent to *fortunam urget,*' while in Ennius '*fortunae recumbunt* means *fortunae recedunt.*' But it is not in these phrases that the similarity lies. Both passages speak, in general, of the shifting changes of fortune, as does also Aen. 11, 425-427:

multa dies variique labor mutabilis aevi
rettulit in melius, multos alterna revisens
lusit et in solido rursus Fortuna locavit.

Ennius suggests possible failure for some one in place of present success, Virgil possible victory for Turnus and his party in place of their present defeat, and Silius possible reverses for the Carthaginians in place of their present good fortune. According to Macrobius, the Virgilian lines were written in imitation of those of Ennius. If then Silius had the former in mind when he wrote the speech of Fabius, at least an indirect reminiscence of Ennius could

be traced. But there is stronger evidence of direct influence seen not only in the greater similarity of the central thought, but also in those delicate touches that suggest rather than reveal the dependence. Thus *haudquaquam quemquam semper fortuna secuta est* of the earlier writer is certainly reechoed in *non ulla perenni amplexu Fortuna fovet* of the later and *dies unus* of Ennius, with its great possibilities in war, is suggestive of *una victoria* and *una hora* of Silius. There is, as Wezel says, no such speech of Fabius in the historical account of Livy, and as the three lines preserved from Ennius are quite in accord with the words that Silius says were uttered by this famous leader, the supposition that both occurred in the same connection seems not without justification.

3) While describing the siege of Syracuse, Silius tells of the destruction of one of the towers as follows, 14, 305-315:

> huic procul ardentem iaculatus lampada Cimber
> conicit et lateri telum exitiabile figit.
> pascitur adiutus Vulcanus turbine venti,
> gliscentemque trahens turris per viscera labem
> perque altam molem et totiens crescentia tecta,
> scandit ovans rapidusque vorat crepitantia flammis
> robora et, ingenti simul exundante vapore
> ad caelum, victor nutantia culmina lambit.
> implentur fumo et nebula caliginis atrae,
> nec cuiquam evasisse datur; ceu fulminis ictu
> correptae rapido in cineres abiere ruinae.

With the first four lines of this Wezel (no. 18) compares Ennius, Ann. 487:

> cum magno strepitu Volcanum ventus vegebat.

In the same connection he also gives the following similar quotations from Silius:

4, 680-681:

> uritur omne nemus, lucosque effusus in altos
> immissis crepitat victor Vulcanus habenis;

5, 513-514:

. . . . torquet Vulcanus anhelos
cum fervore globos flammarum et culmina torret;

9, 603-608:

. . . . pastusque sonoro
ignis edax vento per propugnacula fertur.
non aliter, Pindo Rhodopeve incendia pastor
cum iacit, et silvis spatiatur fervida pestis,
frondosi ignescunt scopuli; subitoque per alta
collucet iuga dissultans Vulcanius ardor;

17, 96-98:

it totis inimica lues cum turbine castris,
atque alimenta vorat strepitu Vulcanus anhelo
arida.

That all of these passages from the Punica are chiefly suggestive of Virgilian expressions may be seen from the following phrases, all of which are employed by the Augustan poet in descriptions of fire:

Aen. 2, 276: Phrygios iaculatus puppibus ignis;
Geor. 2, 432: pascunturque ignes nocturni;
Aen. 10, 409: flammas ovantis;
Geor. 1, 85: crepitantibus urere flammis;
Aen. 7, 74: flamma crepitante cremari;
Geor. 2, 307: victor perque alta cacumina regnat;
Aen. 2, 684: lambere flamma comas;
Aen. 3, 574: attollitque globos flammarum et sidera lambit;
Geor. 1, 473: flammarumque globos;
Geor. 2, 308-309:
et totum involvit flammis nemus et ruit atram
ad caelum picea crassus caligine nubem;
Aen. 2, 758: ilicet ignis edax summa ad fastigia vento volvitur;
Aen. 5, 662: furit immissis Volcanus habenis;
Aen. 8, 421: fornacibus ignis anhelat.

In addition to these verbal similarities, there are at least two of the passages quoted from the Punica in which the suggestion of the picture as a whole seems to have been taken from Virgil. Thus the description of the burning

oak (5, 510-514) recalls the following lines from the Georgics (2, 303-307):

> nam saepe incautis pastoribus excidit ignis,
> qui furtim pingui primum sub cortice tectus
> robora comprendit, frondesque elapsus in altas
> ingentem caelo sonitum dedit; inde secutus
> per ramos victor perque alta cacumina regnat.

Likewise the simile of the rapidly spreading fire started by a shepherd in the forest (9, 605-608) shows marked resemblance to a parallel rhetorical figure employed by Virgil (Aen. 10, 405-409) where we meet the same *silvis incendia pastor*.

But with all this similarity, the one indisputable likeness between the Ennian fragment and Silius is not found in any of the Virgilian writings. I refer to the words *strepitu Volcanum* of Ennius and the *strepitu Volcanus* of Silius (17, 97). Whether the Ennian line was used in the same connection as that of the later poet cannot be decided nor is a definite knowledge of this fact necessary to prove that this verbal echo of thought and phrase may be detected here. The word *strepitus* occurs several times in the works of Virgil, but though used of the sound of the seething waters of Acheron (Geor. 2, 492); of the babble of voices in Dido's hall (Aen. 1, 725); of the confusion of sounds upon the paved streets of Carthage (Aen. 1, 422); of the terrifying din caused by the groans, lashes, and clanking chains in the realm of Hades (Aen. 6, 559); and of other similar noises, it nowhere appears as descriptive of the sound of crackling fire. Neither does it occur in this connection, as far as I can discover, in the works of any other poet from whom Silius might be supposed to have copied it. Evidently we have in this forcible, picturesque expression a reminiscence, unconscious perhaps to the author, of the Ennian thought, conveying to the mind of the reader a

startling auditory image of a raging fire as the wind forces it to surge on with increasing frenzy.

4) Another passage containing a similar slight reminiscence of Ennius, distinguishable in the midst of manifest Virgilian influence, is the following, taken from the description of Mago's passage to Africa after the battle of Cannae, Sil. 11, 488-490:

> nauticus implebat resonantia litora clamor,
> et, simul adductis percussa ad pectora tonsis,
> centeno fractus spumabat verbere pontus.

These lines with their *nauticus clamor, adductis tonsis, centeno verbere,* and *spumabat pontus* recall at once, as is noted by Lemaire,[1] Aen. 3, 128:

> nauticus exoritur vario certamine clamor;

10, 207-208:

> it gravis Aulestes centenaque arbore fluctum
> verberat adsurgens, spumant vada marmore verso.

Yet not in either of these passages nor in Aen. 5, 140-141:

> . . . . ferit aethera clamor
> nauticus, adductis spumant freta versa lacertis,

nor in the following line from Valerius Flaccus, 1, 363:

> hic patrium frangit Neptunius aequor,

which, as Lemaire says, may have suggested to Silius the words *fractus pontus,* is there any suggestion of the Silian phrase *percussa ad pectora.* It is true that *adductis lacertis* (Aen. 5, 141), which is equivalent to *adductis tonsis* (Sil. 11, 489), implies this and the supposition that Silius used the additional strengthening phrase independent of precedent would seem most natural, if we did not find a corresponding thought and expression in the following fragments from Ennius, Ann. 230 and 231:

> poste recumbite vestraque pectora pellite tonsis;
> pone petunt: exim referunt ad pectora tonsas.

[1] N. E. Lemaire, Gaius Silius Italicus. Punicorum libri septemdecim, Paris, 1823.

In the first of these, with its similar metrical effect at the close and its similar form of the noun *tonsa,* there is the same thought that we meet in Silius, namely of striking the breast with the oars; in the second, while this emphatic idea of striking is moderated in the milder verb *referunt,* the general effect is much the same, and the phrasing of the three closing words *ad pectora tonsas* certainly leaves no doubt as to the origin of *ad pectora tonsis* in Silius.

5) Wezel's no. 1 compares the description of the death of the trumpeter Tyrrhenus in the battle at the Ticinus, Sil. 4, 171-174:

> haesit barbaricum sub anhelo gutture telum
> et clausit raucum letali vulnere murmur.
> at sonus, extremo morientis fusus ab ore,
> flexa pererravit mutis iam cornua labris;

and Enn. Ann. 519-520:

> cumque caput caderet, carmen tuba sola peregit
> et pereunte viro raucum sonus aere cucurrit.

Here Blass (p. 502) thinks we find merely a military commonplace preserved in the tales of the soldiers narrated about the camp-fire, and therefore he attaches to it but little value. This may easily be true, but that the words of Ennius were not forgotten in the transmission of this commonplace may be seen from the fact that, while narrating a similar incident, Statius (Theb. 11, 53-56) repeats verbatim the last hemistich of one of the Ennian lines:

> cum subitum obliquo descendit ab aere vulnus,
> urgentisque sonum laeva manus aure retenta est,
> sicut erat: fugit in vacuas iam spiritus auras,
> iam gelida ora tacent; carmen tuba sola peregit.

Noteworthy too is the use of *sonus* in each passage, when compared with *sonitus* of Enn. Ann. 140:

> at tuba terribili sonitu taratantara dixit;

and of the Virgilian lines in which the note of the *tuba* is mentioned. For here we find *fractos sonitus tubarum* (Geor. 4, 72); *clara dedit sonitum tuba* (Aen. 5, 139);

sonitusque audire tubarum (Aen. 7, 628); *at tuba terribilem sonitum procul aere canoro increpuit* (Aen. 9: 503).

In consideration of these similarities and the additional fact that the quality of the sound also as described by Ennius seems to be echoed in *raucum murmur,* found in the lines of Silius, there seems to be no doubt that the commonplace, if such it was, retained the form of expression in which it was first so impressively cast.

6) The comparison[1] made by Wezel in no. 39 seems to me to be one of those verbal reminiscences apparently due to so intimate a knowledge of the original wording as to creep in spontaneously. The two phrases under consideration are Enn. Ann. 311, *perculsi pectora Poeni,* and Sil. 8, 242, *instincti pectora Poeni.* The latter is used in the description of the eager advance of the Carthaginians toward Arpi, after Hannibal had related to them his vision in which the nymph Anna had prophesied to him his future success at Cannae and had directed him to advance into Iapygian fields. Whether *instincti,* as employed by Silius, bore the same meaning as the *perculsi* of Ennius and whether both participles were used in similar connections cannot be proved without more of the context in which the words of Ennius stood. Be that as it may, however, the likeness of construction and phrasing and the similarity of metrical effect gives to the phrase of Silius the unmistakable stamp of Ennian influence.

7) Another fragment whose resemblance to Silian expressions is noted by Vahlen and Skutsch[2] as well as Wezel (no. 2) is Enn. Ann. 572:

pes premitur pede et armis arma teruntur.

[1] Cf. Vahlen (ed. 1903), note to Enn. Ann. 311; Skutsch in Pauly-Wissowa, Real-Encyclopädie der class. Altert., vol. 5 (1905), p. 2617.

[2] Cf. Pauly-Wissowa, Real-Encyc., vol. 5, p. 2617.

With this are compared Sil. 4, 352-353:

. . . . teritur iunctis umbonibus umbo,
pesque pedem premit;

Sil. 9, 325: pes pede, virque viro teritur.

That this poetical form of expression, originated by Homer and copied by Tyrtaeus and the Roman imitators, as shown by Gustav Landgraf,[1] was a favorite one, may be seen from its frequent use in the works of different authors. Macrobius (Sat. 6, 3, 5) quotes the three following:

Il. 13, 130:

ἀσπὶς ἄρ' ἀσπίδ' ἔρειδε, κόρυς κόρυν, ἀνέρα δ' ἀνήρ·

Furius *in quarto annali:*

pressatur pede pes, mucro mucrone, viro vir;

Aen. 10, 361:

haeret pede pes densusque viro vir.

Besides these Sanders[2] gives also Tyrtaeus, Frg. 11, 31 (Bergk):

καὶ πόδα παρ' ποδὶ θεὶς καὶ ἐπ' ἀσπίδος ἀσπίδ' ἐρείσας·

Enn. Ann. 570:

pila retunduntur venientibus obvia pilis;

Aen. 10, 734: . . . . seque viro vir contulit;

Sil. 9, 322-324:

. . . . galea horrida flictu
adversae ardescit galeae, clipeusque fatiscit
impulsu clipei, atque ensis contunditur ense;

Stat. Theb. 8, 398-399:

iam clipeus clipeis, umbone repellitur umbo,
ense minax ensis, pede pes, et cuspide cuspis;

Poet. aevi Car. 2, 122, 71:

cum ferro ferrum, cum scutis scuta repugnant,
cum plumbo plumbum, cumque sudes sudibus.

[1] Substantivische Parataxen. Archiv lat. Lex. u. Gramm., vol. 5 (1888), pp. 168-169.

[2] Die Quellencontamination im 21. und 22. Buche des Livius, Berlin, 1898, p. 63.

A similar passage is found also, as stated by Lemaire (note to Sil. 4, 352-353), in Ovid, Met. 9, 44-45:

. . . . eratque
cum pede pes iunctus, totoque ego pectore pronus
et digitos digitis, et frontem fronte premebam.

Livy also employs like phrases, as in 7, 10, 10, *cum scuto scutum imum perculisset,* and 33, 8, 14, *simul et densari ordines iussit, ut vir viro, arma armis iungerentur.* Also in Lucan 1, 6-7 (cf. Vahlen, note to Ann. 570) we find:

. . . . infestisque obvia signis
signa, pares aquilas, et pila minantia pilis.

But while the similarity of expression is very noticeable in all these quotations, whether they are descriptive of the close proximity of opposing foes in battle or of the densely crowded lines on either side, yet none of them have the same verbs, if we except Ovid's *premebam* with its different nouns, save those of Ennius and Silius. Under such circumstances, it cannot have been an accident that the *pes premitur pede* of Ennius reappears in the *pesque pedem premit* of Silius and also, as Skutch says, the use of *terere* by Silius in the passages quoted above comes without doubt from Ennius. Likewise the latter's *pila retunduntur pilis* of Ann. 570 receives a suggestive echo in the *ensis contunditur ense* of Sil. 9, 324.

8) Nos. 31 and 32 of Wezel's list compare the following familiar eulogy of Quintus Fabius Maximus, found in the Annals of Ennius, 370-371:

unus homo nobis cunctando restituit rem:
non enim rumores ponebat ante salutem;

and Sil. 16, 672-674:

. . . . sat gloria cauto
non vinci pulchra est Fabio, peperitque sedendo
omnia Cunctator;

7, 269-271:

. . . . sed non vacat aegram
invidiam gladios inter lituosque timere
et dubia morsus famae depellere pugna.

Both of these quotations from Silius refer to Fabius and the thought they contain is practically the same as that of Ennius, although it is expressed in a different way. Blass (p. 509) acknowledges the influence of Ennius upon Silius, but thinks it was felt only indirectly through quotations given by Cicero.[1] Such dependence need not, however, be assumed. This characterization of Fabius was a very familiar one and the words and thought of Ennius were used by some of his other successors[2] who are known to have possessed a personal acquaintance with his writings and not to have been dependent upon the Ciceronian transmission, although they may have read the latter also. The same was probably true of Silius. We have found evidence in other passages of the direct influence of Ennius upon him, and in this case the imitation, which is one of thought not of word, shows as close a parallel to the original version as to any of the later ones. The quotations and variations of intermediate authors do not remove the possibility of a direct reminiscence of the description given by Ennius.

9) In the fifteenth book of the Punica, Silius represents the younger Scipio as debating (ll. 18-19) whether or not to ask the troubled senate to grant him the command in Spain, where his father and uncle had recently been killed. At this point Virtus and Voluptas appear before him. The latter, as a scorned exponent of Epicureanism, entreats him to forbear, the former urges him in true Stoic form to seek the trust. Reproving Voluptas for striving to mislead the youth (ll. 71-72):

> cui ratio et magnae caelestia semina mentis
> munere sunt concessa deum,

[1] De off. 1, 24, 84; Cat. Mai. 4, 10; Ad Atticum 2, 19, 2.

[2] Cf. Virgil, Aen. 6, 845-846; Livy, 30, 26, 9; 44, 22, 10; Ovid, Fasti 2, 240-242.

Virtus continues (ll. 75-78):

. . . . sed foedere certo
degeneres tenebris animas damnavit Avernis.
at, quis aetherii servatur seminis ortus,
caeli porta patet.

The last three words are the same as were once used by Ennius,[1] as quoted by Seneca and by Lactantius. Seneca (Epis. 108, 33-34) says of a certain unknown grammarian:

Deinde Ennianos colligit versus et in primis illos de Africano scriptos: . . . . Felicem deinde se putat, quod invenerit, unde visum sit Vergilio dicere:

. . . . quem super ingens
porta tonat caeli.

Ennium hoc ait Homero subripuisse, Ennio Vergilium, esse enim apud Ciceronem in his ipsis de re publica libris hoc epigramma Ennii:

si fas endo plagas caelestum ascendere cuiquam,
mi soli caeli maxima porta patet.

Lactantius (Divin. inst. 1, 18, 11-13) quotes from Ennius these last two lines as the words of Africanus.

In the traditional way Silius associates the thought with the name Scipio, though it is the younger and not the elder hero to whom he refers. Wezel (p. 66) says that Drachenborch compared this with Cicero, Tusc. disp. 1, 30, 72, where Socrates is quoted as saying:

duas esse vias duplicesque cursus animorum e corpore excedentium. nam qui se humanis vitiis contaminavissent et se totos libidinibus dedidissent, quibus caecati vel domesticis vitiis atque flagitiis se inquinavissent vel re publica violanda fraudes inexpiabiles concepissent, iis devium quoddam iter esse, seclusum a concilio deorum; qui autem se integros castosque servavissent, quibusque fuisset minima cum corporibus contagio seseque ab iis semper sevocassent essentque in corporibus humanis vitam imitati deorum, iis ad illos, a quibus essent profecti, reditum facilem patere.

Lemaire remarks (note to l. 78) that Seneca (Hercules

[1] Cf. Wezel, no. 5, and Lemaire's note to l. 78.

Oetaeus 1983-1988) and Horace (Od. 3, 3, 9-10) also express a thought similar to that of Silius. The lines of the former are as follows:

> Numquam Stygias fertur ad umbras
> inclita virtus: vivunt fortes
> nec Lethaeos saeva per amnes
> vos fata trahent, sed cum summas
> exiget horas consumpta dies,
> iter ad superos gloria pandet.

Those of the latter are:

> hac arte Pollux et vagus Hercules
> enisus arces attigit igneas.

Thus here again we find in the Punica a blending of later sources with earlier, a mere touch of the latter in the midst of more prominent evidence of the former. The statement of Blass (p. 509) that Silius was indebted to Virgil for the reminiscence of Ennius here recorded lacks proof. The quotation from the Georgics (3, 260-261) given above in the passage from Seneca (Epis. 108), may have been inspired by the Ennian lines there cited, but in its changed form could surely not have suggested to Silius the exact wording of the original and its association with Scipio. In the Eclogues (3, 105) the somewhat similar clause *pateat caeli spatium* is found, but with an altogether different meaning, and in the Georgics (1, 24-25; 503-504) lines prophetic of the deification of Caesar are recorded, but with no suggestion of the verbal phrasing employed by Ennius and Silius.

10) The passage discussed by Wezel in no. 13 is, according to Blass (p. 509), derived from Livy's copy of Ennius rather than from the original. The lines of the Punica in question are these (9, 209-211):

> qui vero externo socius mihi sanguine Byrsae
> signa moves, dextram Ausonia si caede cruentam
> attolles, hinc iam civis Carthaginis esto.

The fragment of Ennius, preserved by Cicero (Pro Balbo 22, 51), is the following, Ann. 280-281:

> hostem qui feriet mihi erit Carthaginiensis
> quisquis erat; cuiatis siet.

A similar statement, as Wezel acknowledges, is found in Livy, 21, 45, 4-6:

equitibus . . . . vocatis ad contionem certa praemia pronuntiat, in quorum spem pugnarent: agrum sese daturum esse in Italia Africa Hispania, ubi quisque velit, immunem ipsi, qui accepisset, liberisque; qui pecuniam quam agrum maluisset, ei se argento satisfacturum; qui sociorum cives Carthaginienses fieri vellent, potestatem facturum.

Though this promise is said to have been given before the battle of Ticinus, while Silius pictures Hannibal as thus addressing his soldiers before the battle of Cannae, there can be no doubt that the author of the Punica was here greatly indebted to Livy. Yet, with all their similarity, there is an Ennian touch in the lines of Silius that Livy has not preserved. I refer to the suggestion of the actual contest, the *hostem feriet* of Ennius expressed by Silius in the words, *dextram Ausonia si caede cruentam attolles.*

Evidently Livy received his inspiration for this passage, perhaps indirectly,[1] from Ennius, but expressed the thought in his own way, and Silius, writing later of a similar incident, was influenced by both of his predecessors.

11) At the close of the poem (17, 651-652) Silius addresses Scipio thus:

> Salve, invicte parens, non concessure Quirino
> laudibus ac meritis non concessure Camillo.

From the similarity of the opening words to a phrase of Ennius, *Scipio invicte* (Varia 3), preserved by Cicero

[1] The immediate source was probably Coelius, cf. Sanders, op. cit., p. 111; Gilbert, Die Fragmente des Coelius Antipater, p. 428.

(Orat. 45, 152), Wezel (no. 33) thinks that like praise was rendered to Scipio by his contemporary friend also, but Blass (p. 508) strongly contests the theory that Silius was indebted to this source. It is true that from an isolated fragment as short as this, to whose connection Cicero gives no clue, conclusive evidence cannot be gained concerning the exact conditions under which the words were spoken. Furthermore the adjective *invictus* is not an uncommon one. Silius himself uses it in speaking of Vulcan (4, 677), and other writers employ it with such names as Cato (Lucan, Phar. 9, 18), Caesar (Statius, Silv. 4, 7, 49; 4, 8, 61; Ovid, Trist. 5, 1, 41), and Quirinus (Ovid, Met. 15, 863), while Virgil, besides using other forms of the word, employs the vocative *invicte* twice, once in an address of Palinurus to Aeneas (Aen. 6, 365) and once in recounting the victories of Hercules (Aen. 8, 293). Yet the presence of the same form applied to the same person by both Ennius and Silius, and by no one else, as far as I can discover, is a strong argument in favor of the belief that the later poet, while writing his greeting to Scipio, was reminded of a similar term of address used by the earlier writer, of whom Cicero says (Pro Archia 9, 22):

Carus fuit Africano superiori noster Ennius, itaque etiam in sepulcro Scipionum putatur is esse constitutus ex marmore; cuius laudibus certe non solum ipse, qui laudatur, sed etiam populi Romani nomen ornatur.

12) In the dream of Hannibal as given by Silius (3, 172-213), Mercury chides the Carthaginian commander for tarrying in Spain and says that Jupiter has sent him as a guide to lead Hannibal into Italy, where mighty battles and great destruction will follow. As a result, the author continues (l. 214):

his aegrum stimulis liquere deusque soporque.

A similar effect produced by a dream, as recorded by Cicero (De div. 1, 20, 40), is described by Ennius (Ann.

51) where the Vestal, Ilia, after recounting her prophetic dream, adds:

vix aegro cum corde meo me somnus reliquit.

The weakened condition in which the dreamer is left, thrilled by a feeling half of hope and half of fear, is described by both poets as *aeger*. Whether Ennius analyzed the feeling further, as Silius does (ll. 215-216), or whether he caused the one word *aeger* to convey the whole impression, cannot now be determined. But however this may have been, it is evident that Silius had in mind the picture given by Ennius and sought to portray in a similar way the enervating effect of a realistic dream.

13) In the course of the argument by which Virtus (Sil. 15, 69-120) seeks to inspire Scipio with confidence in his power to surpass the Carthaginians in Spain (cf. also no. 9), she utters a prophecy closely resembling a statement of Ennius quoted by Cicero (De re pub. 3, 3, 6) as referring to M'. Curius. The two lines are as follows:

Sil. 15, 115:

nec ferro mentem vincere nec auro;

Enn. Ann. 373:

quem nemo ferro potuit superare nec auro.

Here neither author makes the usual distinction between liberty won by the sword and liberty bought with gold, but each portrays a character so valiant and powerful, so strong and noble that sword and gold alike are powerless to affect him. This parallelism of thought, when added to the marked similarity of verbal expression and metrical effect at the close of the line, shows clearly that Ennian influence is present in the words of Silius.

Before closing this enumeration of passages in which evidence of the direct influence of Ennius is found, I wish to add five (Wezel, nos. 3, 7, 35, 36, 44) whose dependence upon the annalistic poet is possible but cannot be definitely proved.

14) Enn. Ann. 221:

Poeni suos soliti dis sacrificare puellos;

Sil. 4, 765-769:

mos fuit in populis, quos condidit advena Dido,
poscere caede deos veniam ac flagrantibus aris,
infandum dictu! parvos imponere natos.
urna reducebat miserandos annua casus,
sacra Thoanteae ritusque imitata Dianae.

Wezel (no. 3) and Heynacher (p. 25) hold that Silius was indebted to Ennius for this statement of the barbarous custom of child sacrifice among the Carthaginians and perhaps also for the narration of the special circumstances in connection with which this custom is related, namely the demand instigated by Hanno that Hannibal's son be the victim. This view is severely attacked by Blass (p. 508) and by Schlichteisen (pp. 34-35), on the ground that the practice was well-known and often mentioned, and that it is impossible to tell whether Ennius employed the quoted line in a connection similar to that found in the Punica or not. The references to other writers prior to or contemporary with Silius that Schlichteisen gives are Diodorus, 20, 14, 4 sqq.; 13, 86; 20, 65; Pompeius Trogus, Philippica;[1] Curtius, 4, 3, 23; Pliny, N. H. 36, 5, 39. But though each of the authors mentions the dread custom, no two give exactly the same particulars. Diodorus[2] tells of the expiatory sacrifice of two hundred children of noble birth offered by the Carthaginians because they thought their defeat at the hands of Agathocles was proof of divine wrath incurred as

[1] Cf. Justinus, 18, 6, 12; 19, 1, 10; Orosius, 4, 6, 3; 4, 21, 8.

[2] Cf. Lactantius, Divin. inst. 1, 21, 13: Pescennius Festus in libris historiarum per saturam refert Karthaginienses Saturno humanas hostias solitos immolare et cum victi essent ab Agathocle rege Siculorum, iratum sibi deum putavisse; itaque ut diligentius piaculum soluerent, ducentos nobilium filios immolasse.

a consequence of their secret substitution of other children for the required victims. He also describes (20, 14, 6) the practice of immolation by means of a bronze statue of Kronos and a chasm filled with fire. The other passages from this author are of a more general nature and contribute no further information in regard to the custom. Pompeius Trogus, if we may judge from the words of Justinus and Orosius, simply stated that the Carthaginians, when afflicted by a pestilence as well as other calamities, brought young children to the altars *pacem deorum sanguine eorum exposcentes.* Curtius states that the Carthaginians derived from their founders this practice of offering a free-born male child to Saturn and that they continued this form of sacrifice until their city was destroyed. Pliny makes but brief mention of the custom, for he merely says, *Hercules, ad quem Poeni omnibus annis humana sacrificaverant victima.*

A comparison of these references with the short account given in the Punica does not reveal sufficient similarity to warrant the assumption that Silius derived his information from any one of them. To be sure, he speaks of the sacrificial altars, as does also Pompeius Trogus, but with the descriptive adjective *flagrantibus* and no suggestion of the *sanguine* mentioned in the lines of Justinus; he also speaks of the sacrifice as an annual one, which is likewise the meaning of Pliny's *omnibus annis,* but the latter merely gives the time thus briefly, while Silius gives it in connection with the method of choosing the victims. In fact the strongest resemblance to the statements of these other writers is found in another passage[1] of the Punica, where, as in the description given by Diodorus, reference is made

[1] Sil. 15, 464-465:

. . . . sacris Carthaginis illum
supposito mater partu subduxerat olim.

to the practice of secretly offering substitutes for the destined victims.

But as this is the only similarity between the accounts of these two writers, proof of the indebtedness of Silius to this source cannot be established. However, some of the sources used by the author of the Punica must have mentioned the custom, for though still practiced by certain of the African tribes during at least a part of Silius's lifetime,[1] he can only have known of the Carthaginians' adherence to it from the accounts of earlier writers. The two predecessors to whom Silius was most deeply indebted, Virgil and Livy, do not mention such sacrifices, but that they were offered at the time of the Second Punic War is evident from the words of Curtius noted above, and that Hanno's hatred of Hannibal was strong enough to prompt such a demand is clear from Livy's statement (21, 10, 11): *et hunc iuvenem tamquam furiam facemque huius belli odi ac detestor.*

The fragment from Ennius proves that the Annals contained a reference to this custom, and though this fact is not alone a definite proof, Ennius must remain as the probable source, inasmuch as we have no hint that any other writer on the Second Punic War spoke of this subject.

15) In the twelfth book of the Punica, where the retreat of the Carthaginians before Marcellus is described and the subsequent lamentation of Hannibal and the joy of the Romans is recorded, Silius inserts about eighty lines (342-419) relating to Sardinia and the contest there. As remarked by Heynacher (p. 41), the historical statements with reference to the engagements themselves occupy less than half of the passage, the remainder being devoted to an account of the geography and ancient history of the island and to the praise of Ennius, whom the author presents in the capacity of centurion.

[1] Cf. Tertullian, Apol. 9: Infantes penes Africam Saturno immolabantur palam usque ad proconsulatum Tiberii, ...

By means of such mythological and imaginary tales as appealed to his fancy, Silius built a structure in true poetic style upon a small historical foundation, the details of which, though few, agree in general with those given by Livy (23, 32; 23, 34; 23, 40-41). Both mention the same instigator[1] of the renewed hostilities in this region, name the same Roman and Sardinian leaders, speak of the same reinforcements summoned and sent from Carthage for the latter, and relate the same awful carnage and the same disastrous results of the conflict overwhelming the Sardinians. But with this the similarity between the historian and the poet practically ends. Livy's *gravitate caeli* (23, 34, 11) is suggestive of Silius's *tristis caelo* (l. 371), but here we meet a traditional reference, for the baneful climate of the island, as also its fertility, were proverbial. Thus we find such statements as the following:[2]

Polybius, 1, 79, 6–7: *Ἡ μὲν οὖν Σαρδὼ τοῦτον τὸν τρόπον ἀπηλλοτριώθη Καρχηδονίων, νῆσος καὶ τῷ μεγέθει καὶ τῇ πολυανθρωπίᾳ καὶ τοῖς γεννήμασι διαφέρουσα. τῷ δὲ πολλοὺς καὶ πολὺν ὑπὲρ αὐτῆς πεποιῆσθαι λόγον οὐκ ἀναγκαῖον ἡγούμεθ' εἶναι ταυτολογεῖν ὑπὲρ τῶν ὁμολογουμένων.*

Strabo, 5, 2, 7: *ἔστι δ' αὐτῆς τὸ πολὺ μέρος τραχὺ καὶ οὐκ εἰρηναῖον, πολὺ δὲ καὶ χώραν ἔχον εὐδαίμονα τοῖς πᾶσι, σίτῳ δὲ καὶ διαφερόντως . . . . . νοσερὰ γὰρ ἡ νῆσος τοῦ θέρους καὶ μάλιστα ἐν τοῖς εὐκαρποῦσι χωρίοις.*

Other physical characteristics of the island and also certain parts of the mythological history similar to those mentioned by Silius are found in some of these writers, but the one author who shows the greatest likeness is Pausanias. The close resemblance between his account and that of Silius will be seen from the following quotations:

[1] Yet the spelling of the name is different, Hampsicora in Livy, Hampsagoras in Silius.

[2] Cf. also Val. Max. 7, 6, 1; Mart. 4, 60, 5-6; Pomp. Mela, 2, 7, 19; Tac. Ann. 2, 85, 5.

Sil. 12,

355-357:

Insula . . . . . terras
enormis cohibet nudae sub imagine plantae.
inde Ichnusa prius Grais memorata colonis;

359-360:

mox Libyci Sardus generoso sanguine fidens
Herculis, ex sese mutavit nomina terrae.

365-369:

fama est, cum laceris Actaeon flebile membris
supplicium lueret spectatae in fonte Dianae,
attonitum novitate mali fugisse parentem
per freta Aristaeum et Sardoos isse recessus;
Cyrenen monstrasse ferunt nova litora matrem.

361-362:

affluxere etiam et sedes posuere coactas
dispersi pelago post eruta Pergama Teucri.

363-364:

nec parvum decus, advecto cum classe paterna
agmine Thespiadum, terris, Iolae, dedisti.

372-373:

qua videt Italiam, saxoso torrida dorso
exercet scopulis late freta.

Pausanias, 10, 17,

1.

Ἑλλήνων δὲ οἱ κατ' ἐμπορίαν ἐσπλέοντες Ἰχνοῦσαν ἐκάλεσαν, ὅτι τὸ σχῆμα τῇ νήσῳ κατ' ἴχνος μάλιστά ἐστιν ἀνθρώπου.

2.

Πρῶτοι δὲ διαβῆναι λέγονται ναυσὶν ἐς τὴν νῆσον Λίβυες· ἡγεμὼν δὲ τοῖς Λίβυσιν ἦν Σάρδος ὁ Μακήριδος, Ἡρακλέους δὲ ἐπονομασθέντος ὑπὸ Αἰγυπτίων τε καὶ Λιβύων.

3.

παῖδα δὲ λέγουσιν Ἀρισταῖον Ἀπόλλωνός τε εἶναι καὶ Κυρήνης. ἐπὶ δὲ τοῦ Ἀκταίωνος περισσῶς ἀλγήσαντα τῇ συμφορᾷ καὶ Βοιωτίᾳ τε καὶ πάσῃ τῇ Ἑλλάδι κατὰ ταὐτὰ ἀχθόμενον, οὕτως ἐς τὴν Σαρδὼ μετοικῆσαί φασιν αὐτόν.

6.

Ἰλίου δὲ ἁλισκομένης ἄλλοι τε ἐκφεύγουσι τῶν Τρώων καὶ οἱ ἀποσωθέντες μετὰ Αἰνείου· τούτων μοῖρα ἀπενεχθεῖσα ὑπὸ ἀνέμων ἐς Σαρδὼ ἀνεμίχθησαν τοῖς προενοικοῦσιν Ἕλλησι.

5.

Τετάρτη δὲ μοῖρα Ἰολάου θεσπιέων τεκα ὶ ἐκ τῆς Ἀττικῆς στρατιὰ κατῆρεν ἐς Σαρδώ.

10.

τῆς δὲ νήσου τὰ πρὸς τῆς ἄρκτου καὶ ἠπείρου τῆς κατὰ Ἰταλίαν ἐστὶν ὄρη δύσβατα τὰ πέρατα συνάπτοντα ἀλλήλοις.

Sil. 12,	Pausanias, 10, 17,
373-374:	11.
. . . . . pallidaque intus arva coquit nimium, Cancro fumantibus Austris.	Ἐστὶ δὲ καὶ ἄλλα διὰ μέσης αὐτῆς ὄρη χθαμαλώτερα· ὁ δὲ ἀὴρ ὁ ἐνταῦθα θολερός τε ὡς ἐπίπαν ἐστὶ καὶ νοσώδης· αἴτιοι δὲ οἵ τε ἅλες οἱ πηγνύμενοι καὶ ὁ νότος βαρὺς καὶ βίαιος ἐγκείμενος.

Such similarities as these must have at least some remote connection and, as it is not reasonable to assume that the detailed geographical account of Pausanias was directly indebted to the incidental description of Silius, we must conclude that a common source influenced both authors.

For Silius, Wezel (p. 22) thinks that this source was Ennius, of whom Cornelius Nepos (Cato 1, 4) says: *Praetor (Cato) provinciam obtinuit Sardiniam, ex qua quaestor superiore tempore ex Africa decedens Q. Ennium poetam deduxerat.* Hence Wezel says, "Cognosse igitur cum in Sardinia fuerit eius insulae situm, formam, naturam, incolas, eorum originem credibile est." As confirmation of such a theory, he quotes the following fragment of Ennius (Ann. 568):

silvarum saltus latebras lamasque lutosas,

with which he compares these lines from Silius:

352: fraude loci nota, latebrosa per avia saltus;
354: virgulta tegitur valle ac frondentibus umbris;
371: sed tristis caelo et multa vitiata palude;
376: hoc habitu terrae nemorosa per invia crebro;
380: haud mora: prorumpit latebris.

Blass suggests (p. 482) that Silius, of whose life very little is known, may have visited Sardinia himself. But this would not explain the similarities between the description found in the Punica and that given by Pausanias, especially as the larger number of these resemblances are in the mythological portions of the account. For these each writer must have been indebted to earlier records, not such

as would be preserved in historical sources, for in that case we should see some trace of their influence upon Livy, but such as might be expected to be given in a poetical version, where mythology performs a more important part. It seems very probable, then, that the predecessor to whom both Silius and Pausanias were indebted was Ennius, the annalistic poet, whose personal acquaintance with the island would naturally lead to a description of it. Furthermore the fact that Ennius is mentioned by Silius as a centurion in Sardinia shows that the latter knew of the former's connection with the island, and the fact that the following high tribute is paid to the elder man as a poet adds favor to the assumption that Silius was familiar with his writings and echoed them here as elsewhere, Sil. 12, 405-413:

risit nube sedens vani conamina coepti
et telum procul in ventos dimisit Apollo
ac super his: 'Nimium, iuvenis, nimiumque superbi
sperata hausisti. sacer hic ac magna sororum
Aonidum cura est et dignus Apolline vates.
hic canet illustri primus bella Itala versu
attolletque duces caelo; resonare docebit
hic Latiis Helicona modis nec cedet honore
Ascraeo famave seni.'

16) Wezel (no. 35) compares Enn. Ann. 220: *Poenos Sarra oriundos,* and Sil. 1, 72: *Sarrana prisci Barcae de gente.* As the latter quotation is descriptive of the lineage of Hamilcar, father of Hannibal, both authors are speaking of the Carthaginian line of descent from the mother city, commonly known as Tyre. The earlier name of this city, however, was Sarra and with this also the Romans were familiar, as is shown by such statements as follow:

Gell. 14, 6, 4: quod Tyros 'Sarra' ante dicta sit;
Probus in Geor. 2, 506:[1] Ut gemma bibat et Sarrano

[1] Cf. Servii Grammatici comment. rec. Thilo et Hagen, III, 2, p. 374.

dormiat ostro. Tyriam purpuram vult intellegi Sarranum ostrum. Tyron enim Sarram appellatam Homerus docet, quem etiam Ennius sequitur auctorem, cum dicit Poenos Sarra oriundos;

Serv. ad Geor. 2, 506: Sarrano ostro Tyria purpura: quae enim nunc Tyros dicitur, olim Sarra vocabatur a pisce quodam, qui illic abundat, quem lingua sua sar appellant.

Moreover the frequent use of the adjective *Sarranus* in the sense of *Tyrius* is proof of the same fact. But though both the noun and the adjective are often found, no other writers, except Ennius and Silius, are known to have associated them explicitly with the Carthaginians and for this reason Wezel thinks that the statement[1] in the Punica was suggested by Ennius. This may be true, but in the absence of more definite similarity, the connection cannot be conclusively established.

17) Wezel (no. 36) discusses the use of the patronymic *Aeacides* as applied to Pyrrhus, king of Epirus, in the following passages:

Enn. Ann. 179:

aiio te Aeacida Romanos vincere posse,

Enn. Ann. 180-181:

. . . . stolidum genus Aeacidarum:
bellipotentes sunt magis quam sapientipotentes,

Sil. 1, 627:

hic spolia Aeacidae, hic Epirotica signa,

Sil. 14, 93-95:

. . . . tam praecipiti materna furori
Pyrrhus origo dabat stimulos proavique superbum
Aeacidae genus atque aeternus carmine Achilles.

Cicero, who is the earliest writer known to have quoted the Ennian lines, tells us that they were used of king Pyrrhus.[2] Whether Silius refers to the same ruler when he

[1] Wezel (p. 41) compares also Sil. 6, 468; 6, 662; 7, 432; 8, 46; 9, 319.

[2] Cicero, De div. 2, 56, 116.

employs the patronymic cannot be so definitely stated. Wezel himself acknowledges that the word, as it occurs in the first quotation, may designate the Macedonian Perseus, who claimed descent from the same stock.[1] In the fourteenth book, where Silius is giving the ancestry of Hieronymus of Sicily, the name is clearly connected with the family of Pyrrhus, who was the maternal grandfather[2] of Hieronymus, although it designates not the king himself, but his father[3] or some earlier descendant of Aeacus.

That the association with this mythological ancestor was an honor that Pyrrhus claimed as an hereditary right is evident from such references as Eutrop. Breviar. 2, 11, 1: *Hi (Tarentini) Pyrrhum, Epiri regem, contra Romanos auxilium poposcerunt, qui ex genere Achillis originem trahebat;* and Paus. 1, 13, 3:

[1] Cf. Sil. 15, 291-292:

hic (Perseus), gente egregius veterisque ab origine regni,
Aeacidum sceptris proavoque tumebat Achille.

Virg. Aen. 6, 838-839:

eruet ille (Paulus) Argos Agamemnoniasque Mycenas
ipsumque Aeaciden, genus armipotentis Achilli.

Propert. 4, 11, 39-40:

et Persen, proavi simulantem pectus Achilli,
quique tuas proavo fregit, Achille, domos.

[2] Cf. Polyb. 7, 4, 5: *πρῶτον μὲν διὰ τὸ τῆς Πύρρου θυγατρὸς υἱὸν εἶναι Νηρηίδος.*

Livy, 24, 6, 8: aliam deinde inflatus adsentationibus eorum, qui eum non Hieronis tantum sed Pyrrhi etiam regis, materni avi, iubebant meminisse, legationem misit.

[3] Cf. Diod. Sic. 16, 72, 1: *Ἀρύμβας . . . . . ἐτελεύτησεν . . . . . ἀπολιπὼν υἱὸν τὸν Πύρρου πατέρα Αἰακίδην.*

Paus. 1, 9, 7: *Ανσίμαχος δὲ καὶ ἐς πόλεμον πρὸς Πύρρον κατέστη τὸν Αἰακίδου.*

Paus. 1, 11, 1: *Αἰακίδου γὰρ τοῦ Ἀρύββου Πύρρος ἦν.*

Plutarch, Pyrrhus, 1: *Ἐκ δὲ τῆς Φθίας τῷ Αἰακιδῃ γίνονται θυγατέρες Δηιδάμεια καὶ Τρῳάς, υἱὸς δὲ Πύρρος.*

Τοὺς θυρεοὺς ὁ Μολοσσὸς Ἰτωνίδι δῶρον Ἀθάνᾳ
Πύρρος ἀπὸ θρασέων ἐκρέμασεν Γαλατᾶν,
πάντα τὸν Ἀντιγόνου καθελὼν στρατόν· οὐ μέγα θαῦμα·
αἰχμηταὶ καὶ νῦν καὶ πάρος Αἰακίδαι.

This inscription, attributed by conjecture to Leonidas of Tarentum,[1] is quoted also by Plutarch (Pyrrhus 26).

From these statements it is clear that Wezel was mistaken when he said, "Pyrrhus autem Epiri rex qui contra Romanos pugnavit nusquam Aeacides appellatur nisi a Silio illis locis et ab Ennio." Doubtless there were also other references to Pyrrhus as Aeacides in the literature no longer extant, as Blass suggests (p. 509). But notwithstanding later uses of the name, Ennius was the first Roman author to employ it and Silius may have learned the traditional association of Pyrrhus with the line of Achilles from this source.

18) In the eighth book of the Punica, ll. 356-621, the author gives a catalogue of the Roman allies who were present at the battle of Cannae. In this enumeration he mentions the Marsi, Peligni, and Vestini in the same order, though not consecutively, in which they are found in the following fragment of Ennius, Ann. 276:

Marsa manus, Peligna cohors, Vestina virum vis.

For this reason and because Livy and other writers do not name the allies but merely give an estimate of their number, Wezel thinks that Silius must have followed Ennius. Whether the latter also gave an extended list similar to that of Silius or whether he wrote the line in the same connection as Silius, it is impossible to say. The mere use of the names of these neighboring peoples can prove nothing. They were well-known in antiquity, as is shown by the fact that they are mentioned in the writings of many ancient

[1] Cf. Droysen, Gesch. d. Hellen., vol. 3, p. 204, note 1. Clinton, Fast. Hellen., vol. 3, p. 503.

authors, and their very close proximity geographically naturally caused them to be associated with one another. Though Livy does not mention them in this particular place, he speaks of them frequently in other connections, sometimes individually and sometimes together. The order in which their names occur varies and the only case in which it is similar to that of Ennius and Silius is descriptive of an entirely different situation, Livy, 8, 29, 4: *Marsi Paelignique et Marrucini, quos, si Vestinus attingeretur, omnes habendos hostes.* Here, too, just as in the Punica, the sequence of the Ennian arrangement is broken by the insertion of another name not found in the fragment from the annalistic poet. Between the Peligni and the Vestini, Livy places the Marrucini, whom Silius does not mention until a few lines later, and in the same position the latter places the Sidicini, whom Livy in his account of the Second Punic War no longer mentions as a people, though he still speaks of their territory (*in agrum Sidicinum,* 26, 9, 2), which Hannibal ravaged on his march from Capua to Rome. This name, as well as the others, may have come from Ennius, and Silius may simply have changed the order from its original form; or it is possible that the later poet borrowed the arrangement of the three names as now found in the Ennian fragment and then took the liberty of inserting an extra one without the sanction of precedent. But there seems to be no means of securing a basis of positive proof for either assumption.

III. PASSAGES SHOWING INDIRECT INFLUENCE

Another form of Ennian influence discernible in the Punica came indirectly through the works of intervening writers, especially Virgil and Livy. Of these there are such examples as follow:

1) Enn. Ann. 284-285:

hastati spargunt hastas, fit ferreus imber
densantur campis horrentia tela virorum;

Virgil, Aen. 12, 283-284:

. . . . it toto turbida caelo
tempestas telorum ac ferreus ingruit imber;

Sil. 13, 181-182:

tela simul flammaeque micant. tunc saxeus imber
ingruit, et summis ascendunt turribus hastae.

The first line of this fragment from Ennius is quoted by Macrobius (Sat. 6, 1, 32) as the source of Virgil's inspiration to express the similar thought here noted and from the latter the *saxeus imber ingruit* used by Silius was clearly derived, as is shown by the use of the same verb *ingruit* which Virgil introduced in place of the Ennian verb *fit*.

Wesel (no. 261) mentions this fragment of the annalistic poet in comparison with a somewhat similar description of the beginning of the contest at Cannae (Sil. 9, 310), although he acknowledges that verses of this kind may form a part of the description of any battle and in confirmation of this he quotes the Silian passage given above, which is taken from the account of the storming of Capua, and also two other lines from the Punica:

Sil. 14, 539:

perculsi cuneo Poeni densentur in unum;

Sil. 17, 418:

Graia phalanx patrio densarat more catervas.

But neither of these has any further connection with the quotation from Ennius than the use of the common verb. The first line, taken from the account of the naval struggle between the Roman ship, Perseus, and the Carthaginian Io, is more suggestive of Ovid's similar expression in Meta. 13, 604-605:

. . . . glomerataque corpus in unum densetur.

The second, from the description of the final encounter in Africa, recalls Virgil, Aen. 12, 264:

. . . . vos unanimi densete catervas.

2) Enn. Ann. 286:

is pernas succidit iniqua superbia Poeni;

Aen. 9, 762:

principio Phalerim et succiso poplite Gygen excipit;

Aen. 10, 699-700:

. . . . poplite Palmum succiso volvi segnem sinit;

Livy, 22, 51, 7: quosdam et iacentis vivos succisis feminibus poplitibusque invenerunt;

Sil. 4, 341-342:

. . . . Ufentem collapsum poplite caeso ensis obit, laudemque pedum cum sanguine ademit;

Sil. 5, 547-550:

. . . . quem poplite caeso dum spoliat, gravis immiti cum turbine costas fraxinus irrupit;

Sil. 10, 38:

fratres, hic humero, cecidere, hic poplite, caesis.

In these selections from Silius, Wezel (no. 23) seeks to trace a direct influence from the Ennian phrase, *pernas succidit,* but the ablative of Silius, *poplite caeso,* bears closer resemblance to the ablatives of Virgil, *succiso poplite,* and of Livy, *succisis feminibus poplitibusque* than to the earlier expression. Silius has only a suggestion of the

thought of the Ennian line, the intervening writers have the thought and the verb, while Livy preserves the idea of the noun also, though in the more usual form *feminibus,* which he joins with the Virgilian noun *poplitibus.* The construction and substantive used in the Punica are echoes of the intermediary sources, the verb is a changed form employed independently by the author.

3) Enn. Ann. 540:

effudit voces proprio cum pectore sancto;

Aen. 5, 482:

ille super talis effundit pectore voces;

Sil. 3, 696:

inde ubi mandatas effudi pectore voces.

The Virgilian phrase *effundit pectore voces,* echoing in shorter form the thought expressed by Ennius, was without doubt the model that suggested to Silius his closing words. With varied forms and arrangement, the expression *voces effundere* occurs also, as Wezel points out (no. 38), in other parts of the Punica. But these too are almost all distinctly suggestive of Virgil, and no Ennian touch can be detected in them that shows any closer relation to the earlier poet than can be traced through the Augustan writer. Thus there is a parallelism of thought in Sil. 10, 365: *tunc vox effusa per auras;* and in the Aeneid 8, 70: *ac talis effundit ad aethera voces;* there is a likeness of verbal effect gained by the use of the same closing phrase in Sil. 8, 167:

has visa in somnis germanae effundere voces;

Sil. 14, 215:

credere erat stabulis armenta effundere voces;

Aen. 5, 723:

et nox atra polum bigis subvecta tenebat.
visa dehinc caelo facies delapsa parentis
Anchisae subito talis effundere voces;

and there is a marked resemblance between this last picture and the one presented by Silius, 8, 164-167:

. . . . tacito nox atra sopore
cuncta per et terras et lati stagna profundi
condiderat, tristi cum Dido aegerrima vultu
has visa in somnis germanae effundere voces.

Suggestions of Virgilian influence are thus plainly seen and through him the similarity to the original Ennian phrase must apparently be traced.

4) Enn. Ann. 561-562:

non si, lingua loqui saperet quibus, ora decem sint,
innumerum, ferro cor sit pectusque revinctum;

Geor. 2, 43; Aen. 6, 625:

non, mihi si linguae centum sint oraque centum,
ferrea vox;

Sil. 4, 525-526:

non, mihi Maeoniae redeat si gloria linguae,
centenasque pater det Phoebus fundere voces.

In this quotation from the Punica, likewise, the closing words suggest the Virgilian phrase just mentioned and again we find other touches of marked resemblance to the Augustan poet. Both authors use the same words to begin the conditional sentence and both long for the same number of tongues with which to express themselves. Though Silius uses the distributive form of the numeral, *centenas,* while Virgil employs the more usual *centum,* yet even in this Silius is not without Virgilian precedent, for in Aen. 10, 207, we find a similar phrase, *centenaque arbore.*

The original expression of this thought may be traced back to Homer, who says (Il. 2, 488-489):

οὐδ' εἴ μοι δέκα μὲν γλῶσσαι, δέκα δὲ στόματ' εἶεν,
φωνὴ δ' ἄρρηκτος, χάλκεον δέ μοι ἦτορ ἐνείη.

From him, according to Macrobius (Sat. 6, 3, 6), Hostius borrowed the following similar line, found in the second book of his Bellum Histricum:

. . . . non si mihi linguae
centum atque ora sient totidem vocesque liquatae.

To the latter Macrobius says Virgil was indebted. There is, to be sure, a noticeable similarity between these two

authors and the opinion of Macrobius may be in part correct, yet it seems clear that Virgil, perhaps unconsciously, betrays in the one word *ferrea* the influence of Ennius, who plainly substituted *ferro* for Homer's χάλκεον and did not translate it, as Lucretius did,[1] into the corresponding *aereum*. If Hostius had used this same expression, it does not appear likely that Macrobius would have failed to note this additional proof of his influence upon Virgil. The gift of many tongues was one craved by poets generally, as Persius says,[2] and Silius was doubtless familiar with many expressions of this desire. But he especially echoes the words of Virgil and thus suggests an indirect reminiscence of Ennius.

5) Enn. Ann. 556:

perque fabam repunt et mollia crura reponunt;

Geor. 3, 75-76:

continuo pecoris generosi pullus in arvis
altius ingreditur, et mollia crura reponit;

Sil. 16, 443-444:

. . . . tum, mollia crura superbi
attollens gressus, magno clamore triumphat.

This fragment of Ennius is noted by Servius (Comm. ad Virg. Geor. 3, 76) as being the prototype of Virgil's phrase *mollia crura reponit*, although the former is speaking of cranes and the latter of horses. That Silius was here directly indebted only to Virgil seems clear from the fact that he borrowed merely the *mollia crura*, adding *superbi attollens gressus* from another Virgilian phrase, *gressus superbos* (Geor. 3, 117), and without any further Ennian touch applied them to the horse, as the Augustan poet did.

[1] Cf. Servius ad Aen. 6, 625: Non mihi si linguae centum sint Lucretii versus sublatus de Homero, sed aerea vox dixit.

[2] Persius 5, 1-2:

Vatibus hic mos est, centum sibi poscere voces,
centum ora et linguas optare in carmina centum.

6) Enn. Ann. 600:

funduntque elatis naribus lucem;

Virg. Aen. 12, 114-115:

. . . . cum primum alto se gurgite tollunt
solis equi lucemque elatis naribus efflant;

Sil. 12, 508-509:

. . . . Titan dum gurgite lucem
spirantis proferret equos, ...

Here again Servius (ad Aen. 12, 115) acknowledges the debt of Virgil to Ennius, although the former introduces a new verb, which is found in Lucretius, 5, 652: *sol . . . . suos efflavit languidus ignis.*

The verb in the Silian quotation is unlike either of these, but is the same that appears in the following passages:

Lucr. 5, 30:

et Diomedis equi spirantes naribus ignem;

Aen. 7, 281:

. . . . geminosque iugalis
semine ab aetherio, spirantis naribus ignem;

Geor. 2, 140: . . . . tauri spirantes naribus ignem;

Livy, 22, 17, 5: veluti flammas spirantium miraculo.

As object of the participle, however, Silius uses neither of the nouns found in these last quotations. He describes the horses of the sun as breathing forth *lucem,* not *ignem* or *flammas,* and thus presents the same picture as that portrayed by Ennius and Virgil (Aen. 12, 115). Moreover he adds a specifically Virgilian touch in the use of the noun *gurgite,* from which the horses rise. Possibly if we possessed more than the small fragment quoted above from Ennius, we might find that this part of the picture also originated with him, but even so, Silius has not preserved in this passage so much of the early poet's phrasing as has Virgil.

Wezel (no. 12) seeks to connect the Ennian fragment under discussion and also Enn. Ann. 585: *clamore bovantes,* with Sil. 7, 356-359:

. . . . per altos
saxosi scopulos montis lymphata feruntur
corpora anhela boum, atque obsessis naribus igni
luctantur frustra rabidi mugire iuvenci.

But here Silius presents an entirely different picture. The cattle inhale rather than exhale fire, the burning faggots upon their heads choke them and prevent them from uttering any sound, and there is no suggestion of the inner fire breathed forth as light. Furthermore if we accept Varro's statement (L. L. 7, 103-104) that the Ennian phrase *clamore bovantes* was not used by the author in speaking of cattle, but was a transferred epithet applied to men, there would be no possibility of placing it in a connection similar to either of those described by Silius.

7) Enn. Ann. 282:[1]

iamque fere pulvis ad caelum vastum videtur;

Enn. Ann. 608: stant pulvere campi;

Enn. Ann. 277:

consequitur. summo sonitu quatit ungula terram;

Virg. Aen. 12, 407-408:

. . . . iam pulvere caelum
stare vident; subeunt equites, ...

Aen. 9, 33-34:

hic subitam nigro glomerari pulvere nubem
prospiciunt Teucri ac tenebras insurgere campis;

Aen. 8, 592-596:

. . . . oculisque secuntur
pulveream nubem . . . .
. . . . it clamor, et agmine facto
quadrupedante putrem sonitu quatit ungula campum;

Geor. 3, 88:

. . . . cavatque
tellurem et solido graviter sonat ungula cornu;

Livy, 21, 46, 4: neutri alteros primo cernebant; densior deinde incessu tot hominum et equorum oriens pulvis signum propinquantium hostium fuit;

[1] Cf. Wezel, no. 43.

Sil. 4, 94-96:

verum ubi commoto docuerunt pulvere nubes
hostem ferre gradum, et propius propiusque sonoro
quadrupedum cornu tellus gemit, ...

The dependence of Virgil upon Ennius is shown by the former's use of the phrases *pulvere stare* and *sonitu quatit ungula campum,* borrowed from the second and third fragments; by his association of *pulvis* with *caelum,* as in the first fragment; and by his expression of kindred ideas in the other passages.

The dependence of Silius upon Virgil is shown by the similarity of the general thought in the lines quoted and also by the verbal echoes of *pulvere nubem, quadrupedante sonitu,* and *cavatque tellurem et solido graviter sonat ungula cornu,* which are found in the following expressions from the Punica: *pulvere nubes* and *sonoro quadrupedum cornu tellus gemit.*

The influence of Livy upon Silius is likewise very clearly evident. Both writers are describing the situation at the Ticinus river, and though no exact similarity of expression is to be found in the two passages, yet *commoto pulvere nubes* and *docuerunt hostem ferre gradum* in Silius are equivalent to Livy's *oriens pulvis* and *signum propinquantium hostium fuit.* Whether any reminiscence of Ennius is to be detected in the latter's description or not, it is difficult to say. Sanders (op. cit. p. 111) has noted the likeness between the words *oriens pulvis* and Enn. Ann. 282, which he thinks belonged to an account of the same battle, though he also mentions the resemblance of Livy's entire description to that of Polybius, 3, 65. It is possible that both Ennius and Polybius exerted an influence upon Livy, who thus furnished another indirect connection between Ennius and Silius.

Each of these forms of Ennian influence[1] could without

[1] For further comparisons made by Wezel see appendix.

doubt be traced in many other lines of the Punica, if we but possessed more of the fragments of the earlier poet or could form a more exact idea of the connection in which the extant portions stood. The similarities noted in the first class show a familiarity with Ennius on the part of Silius that would enable the latter often to use a phrase or express a thought closely resembling one found in the former and many Ennian touches have no doubt added their effect to this later description of the Second Punic War.

Likewise the similarities of the second class could certainly be greatly multiplied. We know from Macrobius and Servius how great a debt Virgil owed to Ennius, and we can trace in the history of Livy many poetic elements due to the annalistic writer.[1] Furthermore, the influence of both these later authors appears throughout the Punica, so that even had Silius been entirely ignorant of the writings of Ennius, he must necessarily have felt their power in an indirect way and revealed it in his work.

There are also some further possibilities of Ennian influence in connection with the Punica which have not yet been discussed. I refer to those larger conceptions that underlie the structure of the poem as a whole and are not found in the works of Virgil or Livy or any other extant writer. To some of these the following section is devoted.

[1] Cf. Stacey, Archiv f. lat. Lex. u. Gram., vol. 10 (1898), pp. 22-33.

IV. TREATMENT OF DIVINITIES AND OMENS.

A fundamental truth regarding the portrayal of superhuman agency in the Punica is contained in the following statements of Heynacher,[1] "Also entlehnte Silius seinen Götterapparat dem Ennius!" . . . . "Diese Stellen beweisen unzweifelhaft, dass Silius das Eingreifen der Götter nach Ennius schildert." Bauer recognizes this fact, when he says (p. 35), "Zum Schluss sei noch erwähnt die Göttermaschine, welche Silius durch seine 17 Bücher hindurch in Bewegung setzt und deren Spuren wir auch bei Ennius finden, vgl. Heynacher S. 29 und 39." But this dependence must not be regarded as exclusively Ennian, for in the delineation of the gods, as in all other features of the poem, traces of a combination of influences are to be seen. It is a well-known fact that Ennius introduced the Greek pantheon into Roman literature; furthermore we find in Virgil's Aeneid and in Servius's commentary on the same a few suggestions as to the method employed by the annalistic poet in his treatment of these divinities. Thus in explanation of Aen. 1, 281,[2] Servius says,[3] *Consilia in melius referet quia bello Punico secundo ut ait Ennius placata Iuno coepit favere Romanis.* Again in explanation of Aen. 1, 20,[4] this

[1] Ueber die Stellung des Sil. Ital. etc., pp. 29 and 39.

[2] Aen. 1, 279-282:

. . . . quin aspera Iuno,
quae mare nunc terrasque metu caelumque fatigat,
consilia in melius referet mecumque fovebit
Romanos, rerum dominos, gentemque togatam.

[3] Cf. Heynacher, p. 39; Wezel, no. 9.

[4] Aen. 1, 19-20:

progeniem sed enim Troiano a sanguine duci
audierat, Tyrias olim quae verteret arces;

statement is given,[1] *Audierat a Iove aut a Fatis . . . . et perite 'audierat'; in Ennio enim inducitur Iuppiter promittens Romanis excidium Carthaginis.* Furthermore we find in the tenth book of the Aeneid, ll. 6-15, the following address of Jupiter delivered in the presence of an assembled council of the gods:

'caelicolae magni, quianam sententia vobis
versa retro tantumque animis certatis iniquis?
abnueram bello Italiam concurrere Teucris.
quae contra vetitum discordia? quis metus aut hos
aut hos arma sequi ferrumque lacessere suasit?
adveniet iustum pugnae (ne arcessite) tempus,
cum fera Karthago Romanis arcibus olim
exitium magnum atque Alpes immittet apertas:
tum certare odiis, tum res rapuisse licebit.
nunc sinite et placitum laeti componite foedus.'

This clear prophecy of coming disasters when the Carthaginians should have made their way over the Alps, and the definite promise that then the gods might 'struggle in malice and scramble for issues' are too realistic to be entirely fanciful. Some scene presented in the writings of an earlier poet must, I think, have suggested the thought, and the only author preceding Virgil in whose work such an account of the action of the gods at this time would have been likely to occur is Ennius, who reproduced the primitive view of Homer and allowed the gods to mingle with men.

Additional proof that Virgil was thinking of Ennius in this passage may be found in the following slight verbal reminiscences traceable therein:

Enn. Ann. 127: quianam legiones caedimus ferro;[2]
259: quianam dictis nostris sententia flexa est;[3]
279: certare abnueo: metuo legionibus labem.

[1] Cf. Heynacher, p. 39; Wezel, no. 8.
[2] Cf. Servius ad Aen. 10, 6.
[3] Cf. Conington, note to Aen. 10, 6.

With these general statements in mind, we may proceed to investigate how far Silius presents the same pictures as those ascribed to Ennius. In partial conformity with the conception of a change in the attitude of Juno, the author of the Punica, at the time of the battle of Cannae, when Roman misfortunes had reached their climax, represents the hostile queen of the gods, ironically or seriously, as bidding Jupiter overthrow the citadels of Carthage and destroy the Sidonian army, Sil. 9, 535-541:

> excipit hic Iuno longique laboris ab ira:
> 'immo,' ait, 'ut noscant gentes, immania quantum
> regna Iovis valeant, cunctisque potentia quantum
> antistet, coniux, superis tua, disice telo
> flagranti—nil oramus—Carthaginis arces
> Sidoniamque aciem vasto telluris hiatu
> Tartareis immerge vadis aut obrue ponto.'

In the succeeding books of the poem, a negative favor, at least, is shown to the Romans. Apparently yielding to the inevitable decrees of fate, Juno ceases her fierce efforts in behalf of the Carthaginians and seeks only to save Hannibal. Thus (10, 45-58) she assumes the guise of Metellus and bids Paulus, who is seeking the Punic leader, flee for safety, but when he refuses, she resorts to another artifice (10, 85-91) and, in the likeness of the African Gelestes, draws Hannibal to a different part of the field by telling him that Paulus is there. Later when Hannibal plans to attack Rome, Juno, realizing the futility of his effort, causes a dream to be sent to him which deters him from making the assault (10, 337-350). At Nola Marcellus seeks to provoke Hannibal to a single combat and the latter is about to accept the challenge, when Juno turns him from his determination and causes him instead to rally his fleeing men (12, 201-203). When Hannibal has encamped outside the walls of Rome and the opposing armies are preparing for an engagement, Jupiter entreats Juno to check

the mad fury of the Sidonian youth. In compliance with this request, she appears clearly before Hannibal and sharpens his vision so that he may see the gods guarding the hills of Rome and the Campus Martius (12, 701-725). When at last Carthaginians and Romans meet on African soil, Jupiter tells Juno, whom he finds gazing sadly upon the proceedings, that the time has come to end the struggle. She replies that she is not seeking to oppose fate nor to prolong the war, but she begs Jupiter to spare the life of Hannibal and not suffer him to be taken captive or allow the walls of Carthage to be razed (17, 357-369). A little later, in order to avert a personal conflict between Hannibal and Scipio, she causes a false image of the latter to appear before the former, who eagerly pursues the phantom only to behold it vanish before him and to discern the divine interference (17, 522-553). Enraged he again seeks the scene of battle, but through Juno's agency his horse falls and in despair he contemplates suicide (17, 553-566). Then, in the guise of a shepherd, Juno comes and, while pretending to show him the nearest way to Scipio, leads him farther from the field (17, 567-580) and at last conducts him to an elevation from which he can see his own men fleeing and the victorious Romans approaching his position, when with a vow never to cease hostilities against his hated foe, he flees to the mountains for safety (17, 597-617).

Thus far does the portrayal of Juno presented by Silius conform to the statement of Servius and this continued policy of defense alone, when contrasted with her former active measures of offensive warfare, as detailed by Wezel (p. 25), was probably due to suggestions gained from Ennius's treatment of the same divinity.

In like manner the statement of Servius concerning Jupiter's promise, as given by Ennius, bears a remarkable

resemblance to the action of the king of gods and men as described by Silius. Wezel (no. 8) maintains that Servius spoke thus with reference to a passage in the Annals similar to that found in the third book of the Punica where, just as Hannibal has passed the Alps and is about to invade Italy, Venus comes with anxious lamentations to Jupiter who consoles her and says, Sil. 3, 590-592:

. . . . iamque ipse creatus,
qui Poenum revocet patriae Latioque repulsum
ante suae muros Carthaginis exuat armis.

To this assumption Blass objects, saying (p. 511) "und doch verspricht er weder den Römern, noch verspricht er den Untergang Karthagos." It is true that in this prophecy given by Jupiter to Venus and likewise in that given to Minerva at Cannae,[1] Silius is speaking of the defeat of Hannibal at Zama, but later he causes Jupiter to predict to Juno the final overthrow of her favorite city. The lines are these, Sil. 17, 373-375:

. . . . non longa supersunt
fata urbi, venietque pari sub nomine ductor,
qui nunc servatas evertat funditus arces.

On what occasion Ennius mentioned Jupiter's promise cannot be determined, but the words of Servius strictly interpreted, as well as the prophecy given by Virgil, are more akin to the passage from the seventeenth book of the Punica than to either of the other two. Wezel acknowledges that this may be true, but he prefers to assign it to a connection similar to that found in the third book, as the most appropriate place for a promise of this nature, and for this reason he interprets the word *excidium* not as the final destruction of Carthage wrought by Scipio Aemilianus but

[1] Sil. 9, 544-546:
ille, o nata, libens cui tela inimica ferebas,
contundet Tyrios iuvenis ac nomina gentis
induet et Libycam feret in Capitolia laurum.

as the victory gained by the Romans at the close of the Second Punic War. However this may be, the general attitude of Jupiter in his relation to the Romans and the Carthaginians, as portrayed in this short reference, is in harmony with the picture given by Silius throughout his presentation. From this we may conclude that he, as well as Virgil, owed his main conception of the divine king to the annalistic poet.

The prediction quoted above from the tenth book of the Aeneid is fully realized in the conflict at Cannae as described by Silius (9, 438-555). But from what source did the latter draw his minute account filling out so completely this vague prophecy? Not from Virgil, for he offers no further suggestions than those previously given; not from his own imagination, for his poem affords no evidence of such power of originality; not from the extant writings of any other author, for they contain no such description. If then Ennius suggested to Virgil the lines we have noted, he must also have supplied Silius with the foundation of his detailed portrayal. Under these circumstances, we may better understand why such delineations of the gods as are found in the Punica came to be thus introduced into the midst of historical surroundings. To Ennius may be referred perhaps a part of the responsibility for that fault for which Silius has been so gravely censured by Tyrrell,[1] who says, "It was a great mistake when Silius Italicus, applying the supernatural machinery of the Aeneid to a historical narrative, made Volturnus, sent by Aeolus at the prayer of Juno, blind the eyes of the Romans at Cannae, and when he depicted Venus as plunging the Carthaginians into sloth at Capua."

But other influences, besides that of Ennius, are also to be found here. Blended with this general treatment of the

[1] Latin Poetry, p. 292.

deities there are many individual pictures that suggest an acquaintance with various other sources. Nor are these altogether confined to the past. Homeric and Virgilian scenes, as well as those of other predecessors, played their part, no doubt, but contemporary influences, though of less effect, are also discernible. In the description of Hannibal's visit to the temple of Hercules at Gades (3, 14-44) there are Greek, Roman, Phoenician, and Egyptian touches all combined, some evidently derived from literary sources and others probably traceable to the author's personal knowledge of the sacred rites described. Oriental ideas, however, are not very prominent. The main outline of his treatment did not enable Silius to allow much of this vague mysticism to intrude upon the conceptions of the divinities he portrayed, and the age in which he lived was violently opposed to such an intrusion. In the words of Samuel Dill,[1] "the Trinity of the Capitol—Jupiter, Juno, and Minerva—Hercules and Silvanus, the Nymphs, Semo Sancus and Dea Dia, Mars and Fortuna, so far from being neglected, were apparently more popular than ever." Yet the power of eastern innovations did not escape Silius, and it is not without significance that he caused Anna, Dido's sister who is confused with Anna Perenna, a distinctly Roman deity, to speak in the following disparaging way of magic, Sil. 8, 98-99:

> ad magicas etiam fallax atque improba gentis
> Massylae levitas descendere compulit artes.

His general method, however, was simply one of silence in regard to the present and the new, and his chief thought seems to have been to recall the traditions of the past.

Closely connected with this portrayal of superhuman agency in the action of the poem is the record of the mani-

[1] Roman Society from Nero to Marcus Aurelius (London, 1904), p. 538.

festations of the will of the gods by means of various omens. The sources from which Silius drew his numerous descriptions of such divine revelations is a matter of conjecture, since the great majority of those he introduces are not found in the same connection in any other account. From this fact Bauer concludes as follows (p. 21): "Wir müssen deshalb annehmen, dass dem Silius aus seiner umfassenden gründlichen Lektüre eine Summe von solchen Geschichten zu Gebote stand, und dass er davon nach Belieben auswählte, indem er die betreffenden Prodigien teils der Hauptsache nach unverändert in sein Werk herübernahm, teils auch mutatis mutandis dem Zusammenhang anpasste." This opinion is held also by van Veen (p. 77) and by Schlichteisen (pp. 114, 115), though the latter places more emphasis upon the poet's own power of invention (pp. 85, 86) than is suggested by Bauer. That this decision is in part correct seems clear from a consideration of the general method which we have seen was employed by the author of the Punica. A blending of different sources may be traced in all parts of the poem. But the assumption that Silius took all of his omens at random from various sources and connections or that he united these only with such as he framed in his own imagination seems to me as false as the theory of Heynacher (pp. 21, 26, 34) that he found all in some earlier account of the same period. Undoubtedly here, as elsewhere, he gives us an account which is the result of a combination of influences and some omens are true to the records of the time and some are not. Evidence of the presence of the former will be given later, evidence of the use of the latter is not so easily detected, but that there were such is clear from the following example, which is the last in the list of those recorded before the battle of Cannae, Sil. 8, 653-655:

Aetnaeos quoque contorquens e cautibus ignis
Vesbius intonuit, scopulisque in nubila iactis
Phlegraeus tetigit trepidantia sidera vertex.

This cannot possibly be an echo of any historical work treating of the year 216 B. C., for at that time the volcanic nature of Vesuvius seems to have been unknown, save as a matter of inference from the peculiar nature of its rocky surface, and of this inference we find no mention until the time of Diodorus Siculus and Strabo. The former says (4, 21, 5):

ὠνομάσθαι δὲ καὶ τὸ πεδίον τοῦτο Φλεγραῖον ἀπὸ τοῦ λόγου τοῦ τὸ παλαιὸν ἐκφυσῶντος ἄπλατον πῦρ παραπλησίως τῇ κατὰ τὴν Σικελίαν Αἴτνῃ· καλεῖται δὲ νῦν ὁ λόφος Οὐεσουβούιος, ἔχων πολλὰ σημεῖα τοῦ κεκαῦσθαι κατὰ τοὺς ἀρχαίους χρόνους.

The latter expresses the same thought as follows (5, 4, 8):

ὑπέρκειται δὲ τῶν τόπων τούτων ὄρος τὸ Οὐεσούιον, ἀγροῖς περιοικούμενον παγκάλοις πλὴν τῆς κορυφῆς· αὕτη δ' ἐπίπεδος μὲν πολὺ μέρος ἐστίν, ἄκαρπος δ' ὅλη, ἐκ δὲ τῆς ὄψεως τεφρώδης, καὶ κοιλάδας φαίνει σηραγγώδεις πετρῶν αἰθαλωδῶν κατὰ τὴν χρόαν, ὡς ἂν ἐκβεβρωμένων ὑπὸ πυρός, ὡς τεκμαίροιτ' ἄν τις τὸ χωρίον τοῦτο καίεσθαι πρότερον καὶ ἔχειν κρατῆρας πυρός, σβεσθῆναι δ' ἐπιλιπούσης τῆς ὕλης.

Undoubtedly[1] Silius records in this omen the dread phenomenon that caused such universal consternation during his own lifetime. Influenced perhaps too by such descriptions as that of the activity of Mt. Aetna (Geor. 1, 471-473) and by such phrases as *Aetnaeos efflantem faucibus ignis* (Aen. 7, 786), which may be echoes of Ennius, he transferred them to an account of an imaginary eruption of Vesuvius.

However, to attempt to decide just where the dividing line between the false and the true should in each case be drawn would be a hopeless endeavor, since the few historians who treat of the period present no uniformity in the

[1] Cf. Cocchia, La forma del Vesuvio [etc.] in Atti della R. Acc. di Arch., Lett. e Belle Arti (Naples), vol. 21 (1900-01), pp. 1-66.

omens they recount, and we possess no other trustworthy compilations of the portents seen at that time. The truth of the matter seems to be that various stories were current during the Second Punic War and in the several accounts handed down to later generations many different forms of such divine manifestations were found. Polybius says (3, 112, 8) that before the battle of Cannae *πάντα δ' ἦν τὰ παρ' αὐτοῖς λόγια πᾶσι τότε διὰ στόματος, σημείων δὲ καὶ τεράτων πᾶν μὲν ἱερόν, πᾶσα δ' ἦν οἰκία πλήρης, ἐξ ὧν εὐχαὶ καὶ θυσίαι καὶ θεῶν ἱκετηρίαι καὶ δεήσεις ἐπεῖχον τὴν πόλιν.* Livy also speaks of the universal dread aroused by the omens at that time; cf. 22, 36, 6: *Ceterum priusquam signa ab urbe novae legiones moverent, decemviri libros adire atque inspicere iussi propter territos vulgo homines novis prodigiis.* Unfortunately for purposes of comparison, Polybius does not specify any of these numerous omens and Livy gives but a very few, which do not correspond with those mentioned by Silius. But the mere fact that we know there were many currently recounted at the time favors the assumption that the author of the Punica did not need to look to other sources than those dealing with the same period in order to find the majority, at least, of those he relates. Furthermore several of the portents he describes seem to have been stock examples which we find frequently given elsewhere in other connections and which appear many times in the later record of Julius Obsequens, who mentions no less than six instances of each of the following omens given in the Punica: the warning suggested by the presence of the owl (Sil. 8, 634); by swarms of bees (8, 635); by wild beasts in the camp (8, 638-640); by drops or streams of blood (5, 67-69; 8, 644-645); and by gleaming fire-brands in the heavens (8, 650-651). Probably such omens as these were frequently recorded, both in public and in private lists, during the critical period of which Silius wrote.

Other portents given by this author are concerned with certain geographical features of Italy and neighboring localities, where natural phenomena seen at the time of danger might very easily have been regarded as signs of supernatural premonitions, but would not so readily be thus associated in the minds of later writers, especially in the case of an author who possessed as little imaginative ability as Silius, of whom Pliny, Epis. 3, 7, 5, very justly says, *scribebat carmina maiore cura quam ingenio.* Thus the omens relating to Mt. Garganus, the Aufidus river, the Ceraunian heights, the Alps, and the Apennines would be most natural interpretations of such storms and earthquakes as those to which we know from other sources these districts were subject. The lines of the Punica to which I refer are as follows:

Sil. 8, 628-631:

nutantique ruens prostravit vertice silvas
Garganus, fundoque imo mugivit anhelans
Aufidus, et magno late distantia ponto
terruerunt pavidos accensa Ceraunia nautas;

Sil. 8, 648-649:

non Alpes sedere loco, non nocte dieve
ingentis inter stetit Apenninus hiatus.

Of Mt. Garganus Horace says:

C. 2, 9, 6-8:

. . . . aut Aquilonibus
querqueta Gargani laborant
et foliis viduantur orni;

Epis. 2, 1, 202:

Garganum mugire putes nemus.

Likewise the Aufidus, which Horace knew so well, is spoken of by him in terms that quite accord with the tempestuous nature pictured by Silius; cf. Hor. C. 4, 9, 2:

longe sonantem natus ad Aufidum;

C. 3, 30, 10:

dicar, qua violens obstrepit Aufidus;

S. 1, 1, 58:

cum ripa simul avolsos ferat Aufidus acer.

The nature of the Ceraunian mountains is shown by the explanation of their name, given by Servius in Aen. 3, 506: *Ceraunia sunt montes Epiri, a crebris fulminibus propter altitudinem nominati: unde Horatius*[1] *expressius dixit Acroceraunia propter altitudinem et fulminum iactus.* The frequency of earthquake shocks in the Alps and the Apennines is clearly expressed by Pliny, N. H. 2, 82: *Exploratum mihi est Alpes Appenninumque saepius tremuisse. Et autumno ac vere terrae crebrius moventur, sicut fulmina.* Such natural conditions as these, connected in the minds of a terror-stricken people with supernatural revelations, must have inspired those who lived during the perilous years of the Second Punic War with a superstitious dread, and many popular stories must have been current which tradition has not preserved at all or has so obscured in the works of later authors, by whom they have been transmitted, that the time of their origin and the first source from which they came can no longer be detected. Some of these current myths cannot have failed to find their way into the account of this critical period written by the poet Ennius, and from him Silius may have borrowed them. One omen, in particular, which the latter describes, thoroughly agrees with that which we should expect the earlier poet to have written. It occurred just as the opposing forces of the Romans and the Carthaginians were about to engage in battle at the river Ticinus and is recorded as follows, Sil. 4, 103-119:

> cum subitum liquida, non ullis nubibus, aethra
> augurium mentes oculosque ad sidera vertit.
> accipiter, medio tendens a limite solis,
> dilectas Veneri notasque ab honore Diones
> turbabat violentus aves atque unguibus idem,
> idem nunc rostro, duris nunc ictibus alae,
> ter quinas dederat saeva inter vulnera leto;

[1] C. 1, 3, 20: infamis scopulos, Acroceraunia.

nec finis satiesve, novi sed sanguinis ardor
gliscere, et urgebat trepidam iam caede priorum
incertamque fugae, pluma labente, columbam,
donec Phoebeo veniens Iovis ales ab ortu
in tenuis tandem nubis dare terga coegit.
tum victrix laetos signa ad Romana volatus
convertit, prolesque ducis qua parte decora
Scipio quassabat puerilibus arma lacertis,
clangorem bis terque dedit, rostroque coruscae
perstringens conum galeae, se reddidit astris.

Lemaire (note to l. 103) thinks that this is simply an alteration and expansion of Virgil's Aen. 12, 244-256:

his aliud maius Iuturna adiungit et alto
dat signum caelo, quo non praesentius ullum
turbavit mentes Italas monstroque fefellit.
namque volans rubra fulvus Iovis ales in aethra
litoreas agitabat avis turbamque sonantem
agminis aligeri, subito cum lapsus ad undas
cycnum excellentem pedibus rapit inprobus uncis.
arrexere animos Itali, cunctaeque volucres
convertunt clamore fugam (mirabile visu)
aetheraque obscurant pennis hostemque per auras
facta nube premunt, donec vi victus et ipso
pondere defecit praedamque ex unguibus ales
proiecit fluvio penitusque in nubila fugit.

But the changes introduced are so great and the adaptation to the situation described by Silius is so perfect that it seems to me less probable that he received his suggestion from the Augustan writer than that both of these later poets gained their inspiration from some common prior source.

Schlichteisen (pp. 84-86) considers that this augury was an invention of Silius and that it was substituted for the omens narrated by Livy[1] in this connection because it was of such a nature that the earlier part of it might be accepted with equal joy by either side and might serve not only as a

[1] Cf. Livy 21, 46, 2.

stimulus for the immediate future, but also as a prophecy of the final outcome of the entire war. Such a purpose the author of the Punica may have had in mind, but this does not prove that he himself independently devised the means of expressing the same. In fact the hawk and the eagle had been associated with augury from the time of Homer, some of whose descriptions must have been adopted by Ennius and, with such changes as were necessary, have been incorporated in his works. Evidence of this may be gained from the following lines, Il. 15, 690-695:

ἀλλ' ὥστ' ὀρνίθων πετεηνῶν αἰετὸς αἴθων
ἔθνος ἐφορμᾶται, ποταμὸν πάρα βοσκομενάων,
χηνῶν ἢ γερανέων ἢ κύκνων δουλιχοδείρων,
ὡς Ἕκτωρ ἴθυσε νεὸς κυανοπρώροιο
ἀντίος αἰξας· τὸν δὲ Ζεὺς ὦσεν ὄπισθεν
χειρὶ μέλα μεγάλῃ, ὤτρυνε δὲ λαὸν ἅμ' αὐτῷ.

Here, immediately following the simile in which Hector's swift motions are compared to the swooping of the eagle upon its prey, we find a sentence which is clearly echoed in Enn. Ann. 569:[1]

atque manu magna Romanos inpulit amnis.

From this in turn Virgil derived line 241 of Aen. 5:[2]

et pater ipse manu magna Portunus euntem
impulit:

Moreover Virgil's *fulvus ales* and *litoreas avis* (Aen. 12, 247-248), phrases that Conington[3] thinks were suggested by αἰετὸς αἴθων and ὀρνίθων ποταμὸν πάρα βοσκομενάων in the passage quoted above, are used in close connection with the expression *rubra aethra,* which as Conington shows is from Enn. Ann. 435:

. . . . interea fax
occidit oceanumque rubra tractim obruit aethra.

[1] Cf. Vahlen's note to Ann. 569.

[2] Cf. Herrmann, Die Veroneser Vergilscholien, Donaueschingen, 1869-70, p. 17.

[3] P. Vergili Opera. Commentary by John Conington and Henry Nettleship, Lon. 1875.

Perhaps if this Ennian fragment was longer or we possessed others which now are lost, we might find in them the origin of the other Virgilian phrases in question, which could then be referred to Homer only through the intermediary Latin source.

Moreover Silius connects this omen with the youthful Scipio, which is another consideration in favor of assuming the influence of Ennius. That many manifestations of divine power were thought by the contemporaries of Scipio to guide the various enterprises of this famous leader, we know from the following statements of Polybius and Livy: Polyb. 10, 2, 5:

Οἱ μὲν οὖν ἄλλοι πάντες αὐτὸν ἐπιτυχῆ τινα, καὶ τὸ πλεῖον αἰεὶ παραλόγως καὶ ταὐτομάτῳ κατορθοῦντα τὰς ἐπιβολὰς παρεισάγουσι;

Livy, 26, 19, 3-8:

fuit enim Scipio non veris tantum virtutibus mirabilis, sed arte quoque quadam ab iuventa in ostentationem earum compositus, pleraque apud multitudinem aut ut per nocturnas visa species aut velut divinitus mente monita agens, sive et ipse capti quadam superstitione animi, sive ut imperia consiliaque velut sorte oraculi missa sine cunctatione exsequerentur. ad hoc iam inde ab initio praeparans animos, ex quo togam virilem sumpsit, nullo die prius ullam publicam privatamque rem egit, quam in Capitolium iret ingressusque aedem consideret et plerumque solus in secreto ibi tempus tereret. hic mos, quem per omnem vitam servabat, seu consulto seu temere vulgatae opinioni fidem apud quosdam fecit stirpis eum divinae virum esse, ... his miraculis numquam ab ipso elusa fides est; quin potius aucta arte quadam nec abnuendi tale quicquam nec palam adfirmandi.

If Scipio suffered such stories to be currently reported of himself, no one was in a better position to know these popular tales than his intimate friend, Ennius, and no one would have been more likely to relate this omen of the eagle, whose eulogistic character was unusually well adapted to the poet's purposes. Its natural interpretation as a prophecy

of coming greatness[1] would have introduced an element of divine favor quite in accord with the feeling of Ennius and to this author it may most properly be referred.

Further evidence that some truth may underlie at least a part of the portents that Silius relates may be gained from the following examples, all of which are connected with the time immediately preceding the battle at Lake Thrasymene or during the contest, Sil. 5:

59 tunc ales, priscum populis de more Latinis
auspicium, cum bella parant mentesque deorum
explorant super eventu, ceu praescia luctus,
62 damnavit vesci planctuque alimenta refugit.
66 signa etiam affusa certant dum vellere mole,
taeter humo lacera nitentum erupit in ora
exultans cruor, et caedis documenta futurae
69 ipsa parens miseris gremio dedit atra cruento.
611 cum subitus per saxa fragor, motique repente,
horrendum, colles et summa cacumina totis
intremuere iugis; nutant in vertice silvae
pinifero, fractaeque ruunt super agmina rupes.
615 immugit penitus convulsis ima cavernis
dissiliens tellus nec parvos rumpit hiatus,
atque umbras late Stygias immensa vorago
faucibus ostendit patulis; manesque profundi
antiquum expavere diem. lacus ater, in altos
620 sublatus montis et sede excussus avita,
lavit Tyrrhenas ignota aspergine silvas.
iamque eadem populos magnorumque oppida regum
tempestas et dira lues stravitque tulitque.
ac super haec reflui pugnarunt montibus amnes,
et retro fluctus torsit mare. monte relicto
626 Apenninicolae fugere ad litora Fauni.

[1] Cf. Livy 1, 34, 9, where Tanaquil thus interprets a similar omen affecting her husband: excelsa et alta sperare conplexa virum iubet: eam alitem, ea regione caeli et eius dei nuntiam venisse, circa summum culmen hominis auspicium fecisse, levasse humano superpositum capiti decus, ut divinitus eidem redderet.

The first of these omens (Sil. 5, 59-62) is also related by Cicero, apparently on the authority of Coelius whom he mentions a little later; De div. 1, 35, 77:

Quid? bello Punico secundo nonne C. Flaminius consul iterum neglexit signa rerum futurarum magna cum clade rei publicae? . . . . Idem cum tripudio auspicaretur, pullarius diem proelii committendi differebat. Tum Flaminius ex eo quaesivit, si ne postea quidem pulli pascerentur, quid faciendum censeret. Cum ille quiescendum respondisset, Flaminius: 'Praeclara vero auspicia, si esurientibus pullis res geri poterit, saturis nihil geretur!'

Furthermore, although Livy does not give this omen in his description of the divine warnings preceding the battle at Lake Thrasymene, yet he was familiar with it in connection with Flaminius as well as in its association with the name of P. Claudius in the First Punic War, as is clear from a statement he makes in recording a similar omen before the engagement at Cannae, Livy 22, 42, 8-9:

Paulus, cum ei sua sponte cunctanti pulli quoque auspicio non addixissent, nuntiari iam efferenti porta signa collegae iussit. quod quamquam Varro aegre est passus, Flamini tamen recens casus Claudique consulis primo Punico bello memorata navalis clades religionem animo incussit.

The second omen given by Silius (5, 66-69) is mentioned by Cicero, Livy, Valerius Maximus, Florus, and Plutarch, though with great variation in the details.

Cic. De div. 1, 35, 77: Quo tempore cum signifer primi hastati signum non posset movere loco nec quicquam proficeretur, plures cum accederent, Flaminius re nuntiata suo more neglexit.

Livy, 22, 3, 11-13: Haec simul increpans cum ocius signa convelli iuberet et ipse in equum insiluisset, equus repente corruit consulemque lapsum super caput effudit. territis omnibus, qui circa erant, velut foedo omine incipiendae rei insuper nuntiatur signum omni vi moliente signifero convelli nequire. conversus ad nuntium 'Num litteras quoque' inquit 'ab senatu adfers, quae me rem gerere ve-

tent? abi, nuntia, effodiant signum, si ad convellendum manus prae metu obtorpuerunt.'

Val. Max. 1, 6, 6: C. autem Flaminius inauspicato consul creatus, cum apud lacum Trasymenum cum Hannibale conflicturus convelli signa iussisset, lapso equo super caput eius humi prostratus est, nihilque eo prodigio inhibitus, signiferis negantibus signa moveri sua sede posse, malum, ni ea continuo effodissent, minatus est.

Florus, 1, 22, 14: Nec de dis possumus queri: imminentem temerario duci cladem praedixerant insidentia signis examina, et aquilae prodire nolentes.

These parallel accounts show that the omen as given in the Punica was based upon an accepted report. Whether the author found the poetical ending, which he employs, in any of his sources or whether he borrowed this from Virgil's story of Polydorus (Aen. 3, 28-29 and 33), it is impossible to say.

The third omen, which Silius mentions (5, 611-626), the earthquake that took place during the contest, is also recorded by several writers. Cicero (De div. 1, 35, 78) says that it was mentioned by Coelius:

Magnum illud etiam, quod addidit Coelius, eo tempore ipso, cum hoc calamitosum proelium fieret, tantos terrae motus in Liguribus, Gallia compluribusque insulis totaque in Italia factos esse, ut multa oppida conruerint, multis locis labes factae sint terraeque desederint fluminaque in contrarias partes fluxerint atque in amnes mare influxerit.

Livy (22, 5, 8) relates the following:

tantusque fuit ardor animorum, adeo intentus pugnae animus, ut eum motum terrae, qui multarum urbium Italiae magnas partes prostravit avertitque cursu rapidos amnis, mare fluminibus invexit, montes lapsu ingenti proruit, nemo pugnantium senserit.

Pliny (N. H. 2, 84) says:

Maximus terrae memoria mortalium exstitit motus Tiberi Caesaris principatu, XII urbibus Asiae una nocte prostratis, creberrimus Punico bello intra eundem annum septiens ac quinquagiens nuntiatus Romam, quo quidem

anno ad Trasimenum lacum dimicantes maximum motum neque Poeni sensere nec Romani.

These and other similar accounts[1] show that Silius here states a fact and that the earthquake incident is not a poetic invention or a free adaptation borrowed from a description of another situation.

From this examination of the different kinds of omens narrated by Silius, of which some are assuredly false but a larger number are evidently true, it is clear that their origin is to be referred to various sources and among these Ennius probably exerted no small influence. We know that he related dreams[2] and auguries[3] and that he told of eclipses,[4] and it would be but reasonable to suppose that he also recorded some of the other traditional portents with which Rome and Italy were filled during his lifetime. Moreover such stories as these, rendered in poetic form, would naturally be easily remembered, and Silius doubtless transferred to his own work many reminiscences from these accounts of his predecessor.

Further effects of Ennian influence have been claimed to be traceable in many other phases of the Punica, especially in the treatment of the Roman leaders. That some important elements in the description of such men as Fabius, Scipio, and Marcellus were due to Ennius, seems clear from what has already been said in connection with Fabius (p. 376) and Scipio (pp. 378, 380, 382) and from the statement of Cicero, Pro Archia 9, 22: *Omnes denique illi Maximi, Marcelli, Fulvii non sine communi omnium nostrum laude decorantur.* But that any one source can be found for any particular portion of the Punica is, I think, impossible.

[1] Cf. Plut. Fab. Max. 3; Orosius, 4, 15, 6; Zonaras, 8, 25.
[2] Cf. Ann. 35-51.
[3] Cf. Ann. 77-96.
[4] Cf. Ann. 163.

Everything seems to be the result of a combination and blending of many elements taken from many different sources. Not to Ennius or to Livy alone was Silius indebted, but to these authors combined with numerous others. Thus brief phrases and general pictures, as well as those larger conceptions that underlie the structure of the poem as a whole, are traceable now to one predecessor, now to another, and all are so interwoven and confused as to render a separation impossible.

APPENDIX

Many passages quoted by Wezel have not been mentioned in the preceding pages, as the relations he seeks to establish cannot be proved true. Thus the lines from the Punica given in no. 6, which refer to the overflowing Trebia (Sil. 4, 573-576) appear to be a poetic rendition of the historical fact related by Polybius, 3, 72, 4, and Livy, 21, 54, 9, but seem to have no connection whatever with Enn. Ann. 569, if we can form any idea of the meaning of this fragment from the kindred expressions in the Iliad, 15, 694-695, and the Aeneid, 5, 241.[1] Similarly Enn. Ann. 379: *contempsit fontes quibus exerugit aquae vis* refers, according to Vahlen (p. 68), to Hannibal's advice to Antiochus, as given in Justinus, 31, 5, 7, to contend with the Romans in Italy, the fountain-head of their resources, and not, as Wezel considers (no. 10), to the endurance of Hannibal of which Silius (1, 260) and Livy (21, 4, 6) speak.

Nos. 11 and 28 are likewise placed by Vahlen in a connection which does not accord with that of the passages of Silius with which Wezel compares them, and there is nothing in the fragments themselves to prove definitely any relation between them and the later writer.

Some of the other comparisons made by Wezel are based merely upon a general thought which each author expresses or upon a word common to both, without any further bond of union. Thus in no. 4 both Ennius and Silius speak of the devastation of fields and the storming of towns, in no. 19 of pestilence and battle, but there are no other points of

[1] Cf. p. 416.

similarity between them. In nos. 40 and 45 the only resemblance lies in the use of the words *falarica* and *Brundisium*, which are too often found elsewhere to allow any inference of relationship to be derived from their presence here. A similar criticism might be urged against the comparisons given in nos. 14, 17, 24, 25, 27, 29, 34, 37, 42; and in nos. 16, 22, 30, and 41, I find no evidence even of this slight connection.

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ERRATA

p. 328, l. 9, for plebian read plebeian.

p. 176, l. 10, for Δὸις read Διὸς.

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